



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

10 JULY 2012

*This document is available in the following alternative formats
upon request for people with specific needs; large print, Braille
and computer disk*

**INDEX
(10 JULY 2012)**

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	No. 83 (Lot 283; D/P: 3642) The Boulevard, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single House (PRO5697; 5.2012.108.2)	71
9.1.2	Nos. 26 & 28 (Lots 3 & 4; D/P: 3858) Haynes Street, North Perth – Proposed Subdivision (146099; PRO5734; 7.2012.20.1)	86
9.1.3	Amendment No. 92 to Planning and Building Policies – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties; No. 3.6.2 relating to Heritage Management – Assessment; Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage; and Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) (PLA0238)	80
9.1.4	Amendment No. 93 to Planning and Building Policy Manual – Rescission of Appendices (PLA0240)	10
9.1.5	Planning and Building Policy Amendment No. 98 to Appendix No. 19 – Leederville Masterplan Built Form Guidelines (PLA0186)	91
9.1.6	Way Finding Signage Strategy 2012 – Final Adoption (PLA0084)	96
9.1.7	Proposal for Paid Parking in the West Perth Area Subject to the Perth Parking Management Act 1999 and Associated Parking Matters (PKG0168)	102
9.1.8	Sustainable Environment Strategy – Implementation Plan (PLA0175)	118
9.2 TECHNICAL SERVICES		
9.2.1	Right of Way/Laneway Bounded by Richmond Street, Mitchell Freeway, Melrose and Oxford Streets, Leederville – Upgrade Contribution (PRO5365)	124
9.2.2	City of Vincent 2012 Garden Competition (CVC0007)	127
9.2.3	Tender No. 454/12 – Manufacture and Supply of Signage (TEN0349)	14
9.2.4	Tender No. 455/12 – Installation of Signage (TEN0363)	22
9.2.5	Tender No. 453/12 – Pavement Marking Services (TEN0348)	27
9.2.6	Auckland/Hobart Street Reserve – Proposed Toilet and Embayed Parking (RES0037)	132
9.3 CORPORATE SERVICES		
9.3.1	Financial Statements as at 31 May 2012 (FIN0026)	31
9.3.2	Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 9 (CMS0003)	38
9.3.3	Portion of 1 (Lot 33) The Avenue, Leederville – Proposed Lease area for Telstra Corporation Limited (PRO1657)	50

9.4 COMMUNITY SERVICES

- | | | |
|-------|---|----|
| 9.4.1 | Disability Access and Inclusion Plan (DAIP) 2012-2017 - Review (CMS0053) | 53 |
| 9.4.2 | Cultural Development Seeding Grant Applications – Indigenous Music Event, North Perth and Ethnic Book Fair, North Perth (FIN0155) | 62 |

9.5 CHIEF EXECUTIVE OFFICER

- | | | |
|-------|---|-----|
| 9.5.1 | Use of the Council's Common Seal (ADM0042) | 65 |
| 9.5.2 | Review and Adoption of Delegated Authority Register 2012/2013 (ADM0038) [Absolute Majority Decision Required] | 135 |
| 9.5.3 | Medibank Stadium (Leederville Oval) Ground Management Committee – Receiving of Unconfirmed Minutes – 14 June 2012 (RES0078) | 67 |
| 9.5.4 | Information Bulletin | 69 |
| 9.5.5 | LATE REPORT: Tamala Park Regional Council – New Power of Attorney to Sell/Dispose Land within Tamala Park (PRO0739) [Absolute Majority Decision Required] | 138 |

10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- | | | |
|------|--|-----|
| 10.1 | Notice of Motion – Mayor Hon. Alannah MacTiernan – Request to Change a Previous Council Decision concerning the purchase of “Green Power” energy [Absolute Majority Decision Required] | 141 |
|------|--|-----|

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

145 (Without Discussion)	Nil.	143
--------------------------	------	-----

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.	143
------	-----

13. URGENT BUSINESS

Nil.	143
------	-----

14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)

- | | | |
|------|---|-----|
| 14.1 | CONFIDENTIAL REPORT: No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre – State Administrative Tribunal (SAT) DR 378 of 2011 (PRO0143; 5.2010.524.4) | 144 |
|------|---|-----|

The Chief Executive Officer has released this report for public information.

15. CLOSURE

159

Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 10 July 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.00pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Members on Approved Leave of Absence:

Cr Roslyn Harley – approved leave of absence from 23 June 2012 to 21 July 2012 inclusive for personal commitments.

Cr John Carey – approved leave of absence from 4 July 2012 to 6 August 2012 inclusive for personal reasons.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until 8.10pm)
<u>Employee of the Month Recipient</u>	
Greg Stewart	Ranger and Community Safety Services (until approximately 6.28pm)
<u>Media</u>	
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.10pm)

Approximately 8 Members of the Public.

3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

The following submissions were made by persons in the Public Gallery:

1. Victor Leonzini of 77 The Boulevarde, Mount Hawthorn – Item 9.1.1 Stated the following:
 - He is not a neighbour to the development, he moved into Mount Hawthorn in 1977 and cares about the City and the suburb but in particular his street and neighbours. He is concerned and that's why he attended the meeting.
 - He believed the development will alter dramatically the environment of The Boulevarde in particular the northern side of The Boulevarde and the western side of The Boulevarde as it has a very strong streetscape character and has been since 1979.
 - He was one of the first that came into Mount Hawthorn from a previous generation. They restored (rather than renovated) and if they decided to do something like add on a carport, they applied to the Council for it and were asked to build the carport in the same facade as the house.
 - Subsequent to this, new generations have moved in and they renovate their cottages and in fact renovate them in a double storey nature and still maintain the California Bungalow style that this suburb and in particular this part of Mount Hawthorn is renowned for.

2. Murray Castleton of TPG Town Planning and Urban Design, of Level 7. 182 St Georges Terrace, Perth – Item 14.1 Stated the following:
 - Speaking on behalf of the Water Corporation to make a brief statement relating to Confidential Item 14.1.
 - The John Tonkin Water Centre Redevelopment project was approved by the Council at the Ordinary Meeting of Council held on 11 October 2011, with approval issued on 21 October 2011.
 - This project is very important for the Water Corporation and is intended to provide improved conditions for the employees, enhancing the level of service to the public and most importantly reduction in costs to the taxpayer as well as benefits for the Leederville Town Centre.
 - An application for review was lodged with the State Administrative Tribunal on the 4 November 2011 seeking reconsideration of some of the conditions.
 - The application had to undergo a mediation process between the involved parties, facilitated by a State Administrative Tribunal member. This process has now effectively concluded.
 - He firmly believed that the John Tonkin Water Centre redevelopment will be a significant landmark project for the Leederville Town Centre, as it presents a exciting residential and commercial development opportunities and will enhance the viability of local business and be a significant economic generator for the City.

3. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.3 Stated the following:
 - Part 2 – Policy 3.6.4 relating to heritage management interpretive signage.
 - The Precinct Action Group recently made a submission to Council regarding this matter. It was recommended that Council consider two categories for inscriptive signage within the City:
 1. For developers and owners who demolish buildings and homes they should pay the whole cost; and

2. Ratepayers who live in the City of Vincent, who happen to know the background and history of heritage buildings and other historic buildings in the town. Believed that the Council should pay for the plaques. Ratepayers pay their rates already for retaining our history and heritage for the benefit of the whole community and we don't believe that people who want to keep the history of our town and by letting other people know what it is all about especially tourist's, shouldn't have to pay the cost.
- The City of Perth pays fully for the cost of such buildings and heritage sites nominated by their ratepayers.

The Presiding Member Mayor Hon. Alannah MacTiernan clarified with Marie Slyth as it was understood the Policy had been amended, that the Council pays a minimum of 50% and can do more on a "case by case basis".

4. Sasha Crawford of 83 The Boulevard, Mount Hawthorn – Item 9.1.1 Stated the following:
 - Seeking the Council support in approving the application.
 - She found out that the initial assessment was not favourable. She has met with the City's Planning Officers and the Planning Manager, who made a number of design suggestion's to soften the streetscape facade which she adopted and these are the plans that are before the Council.
 - In relation to the upper level southern set-back and the privacy requirements, these are both overcome by adopting a screen to the balcony; her original design was compliant by turning the balcony on ninety (90) degrees which created a mismatch, so she is happy to adopt that privacy screen.
 - Also noted that she is ten (10)cm out in the setback, it should be 1.9. She is at 1.8. She is happy to adopt the 1.9, in terms of the northern setback she is fully compliant.
 - In terms of the front setback, the five (5) metres that she originally submitted was another suggestion by the officer. She acknowledges that complying with the predominant streetscape setback is fair and when you measure of intramaps it is anywhere between 5.5metres and 6 metres. She would need a bit more time to work out the average, but she would be happy to accept that as well.
 - The report also suggests that she is not compliant with overshadowing. This is actually not correct - both designs were compliant and it also suggests that we don't respond to our northern aspect particularly well, we contend that this is not true or accurate. She has nine (9) openings both on the ground floor and the upper level so every room has either one or more openings, which she feels is sufficient.
 - In terms of the precedence she has submitted fifty nine (59) coloured examples of similar developments in our immediate area.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Ms Crawford that she had spoken for three (3) minutes and should finish her statement.

5. Michael Begg of 83 The Boulevard, Mount Hawthorn – Item 9.1.1 Stated the following:
 - The plans were revised incorporating these suggestions and a copy forwarded to all neighbours who were contacted by the initial advertisement period.

- He received letters of support from four (4) out of six (6) of his neighbours whose properties would directly be effective in the immediate vicinity of his property, that being the three (3) properties directly opposite his and the three (3) properties directly to the rear.
- He received two (2) objections from his neighbours and have since subsequently followed up with each of them.
- His southern neighbour raised the concern regarding the direct sun and ventilation, in discussion with her she understands that those issues are addressed by the compliant setback.
- His northern neighbour raised concerns regarding streetscape. He have met with this neighbour to discuss his plans and talked through the perspective. Further to this although not withdrawing their objection, they clearly state that they have no objection to two story dwellings. They believe that the design changes made to the facade where an improvement and that should the Council be of the mind to approve our application, I would have no objection to the Council's decision.
- He respects his neighbours and the City of Vincent and he loves being a part of this community and he wants his children to grow up and be able to go to school here and continue to live his life within the local area and support the shops and use the amenities. So he and his wife seek the Council's supporting approving their application tonight.

There being no further speakers, Public Question Time closed at approx. 6.17pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr McGrath requested leave of absence from 12 July 2012 to 17 July 2012 (inclusive), due to work commitments.

Moved Cr Maier Seconded Cr Pintabona

That Cr McGrath's request for leave of absence be approved.

CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 26 June 2012.

Moved Cr Maier Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held on 26 June 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

6.2 Minutes of the Special Meeting of Council held on 3 July 2012.

Moved Cr Maier Seconded Cr McGrath

That the Minutes of the Special Meeting of Council held on 3 July 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Hon. Alannah MacTiernan read the following;

7.1 EMPLOYEE OF THE MONTH AWARDS FOR THE CITY OF VINCENT FOR JUNE 2012

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

The Employee of the Month Award for June 2012 is awarded to Greg Stewart – Ranger in the Ranger and Community Safety Services section.

Greg was nominated for this Award as a result of an email of appreciation received from Mr. Kingsley Sullivan, Director of the New Norcia Bakeries in Scarborough Beach Road, Mount Hawthorn, who wrote in as follows;

“About 6 weeks ago my little dog was attacked by two other dogs which were not on leads in a park that was not a designated dog park. Charlie received 13 stitches from the incident but has now made a full recovery.

The case was handled by Ranger, Greg Stewart. The service received from Greg was outstanding. He unhesitatingly agreed to meet me in the early morning on two occasions to identify the dogs and their owner. When the owner was identified by me, Greg was firm but very fair in his dealings with the owner. Greg was unwaveringly caring and courteous in all his dealings with me and was a brilliant ambassador for the City of Vincent.

He has followed through with compensation for our vet bills and has kept me informed as the matter has progressed through your system.

I believe Greg should be commended for his professional and courteous approach to what must be a difficult job.

He is an outstanding role model for all your rangers”.

Congratulations Greg and well done!

The Presiding Member Mayor Hon. Alannah MacTiernan presented Ranger Greg Stewart with his award.

Received with Acclamation!

7.2 HEALTHIER WA AWARD

I am pleased to announce that the City was nominated as one of five finalists from a total of twenty-five submissions for the 2012 Australian Medical Association's (AMA) Healthier WA Award. It is the first time the City has made the finalist list for this Award.

The AMA (WA) Charity Gala Dinner and Awards Night were held at the State Reception Centre, Kings Park earlier this month.

The Award was won by HBF for their "run for a reason" fun run initiative which raised approximately \$1.2 million.

Congratulations to the City's Health Services Officers for their efforts with the submission.

Received with Acclamation!

7.3 MEN'S SHED

The City was recently advised that the Premier, the Hon Colin Barnett approved a recommendation by the Lotterywest Board for a grant of \$85,000 to the City of Vincent Men's Shed.

Thanks to our Community Development Section for all their hard work in making the Grant submission.

We now look forward to the project progressing and the community's participation.

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.5.4 – Information Bulletin, particularly IB05 relating to the minutes of the Tamala Park Regional Council. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.
- 8.2 Cr Maier declared a Financial interest in Item 9.1.3 – No. 83 (Lot 283; D/P: 3642) The Boulevard, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single House. The extent of his interest being that he owns a property which is on the City's Municipal Heritage inventory and he believes he has an interest in common. He requested Council approval to participate in the debate and vote on the matter.
- 8.3 Cr McGrath declared a Financial interest in Item 14.1 – Confidential Item relating to the Water Corporation Development. The extent of his interest being that there may be a potential indirect financial interest in his company, that he works for and has a small amount of shares in and maybe contracted to the Water Corporation in the future under the environmental consultants panel, the Water Corporation has established and listed his company. He requested approval to participate in the debate only.

Cr Maier departed the Chamber at 6.25pm – to allow the Council to consider his request to participate in debate and vote on Item 9.1.3.

PROCEDURAL MOTION:

Moved Cr McGrath, Seconded Cr Topelberg

That Cr Maier's request to participate in the debate and vote on item 9.1.3, be approved.

CARRIED UNANIMOUSLY (6-0)

(Cr Carey and Cr Harley on approved leave of absence.)

(Cr Maier was absent from the Chamber and did not vote.)

Cr Maier returned to the Chamber at 6.27pm.

The Presiding Member Mayor Hon. Alannah MacTiernan informed Cr Maier that his request had been approved.

Cr McGrath departed the Chamber at 6.27pm. to allow the Council to consider his request to participate in debate on Confidential Item 14.1, but not vote.

PROCEDURAL MOTION:

Moved Cr Maier, Seconded Cr Pintabona

That Cr McGrath's request to participate in the debate but not vote on item 14.1, be approved.

CARRIED UNANIMOUSLY (6-0)

(Cr Carey and Cr Harley on approved leave of absence.)

(Cr McGrath was absent from the Chamber and did not vote.)

Cr McGrath returned to the Chamber at 6.28pm.

The Presiding Member Mayor Hon. Alannah MacTiernan informed Cr McGrath that his request had been approved.

9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil.

10. REPORTS

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer advise the meeting of:

10.1 Items which are the subject of a question or comment from Members of the Public and the following was advised:

Items 9.1.1, 9.1.3 and 14.1.

10.2 Items which require an Absolute Majority decision which have not already been the subject of a public question/comment and the following was advised:

Item 9.1.6, 9.5.2, 9.5.5 and 10.1.

10.3 Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:

Items 9.1.3 and 14.1.

Presiding Member, Mayor Hon. Alannah MacTiernan, requested Council Members to indicate:

10.4 Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:

Cr Topelberg	9.1.2, 9.1.6 and 9.2.6
Cr Buckels	9.1.6 and 9.2.2
Cr McGrath	9.1.8
Cr Wilcox	Nil.
Cr Pintabona	9.2.1
Cr Maier	9.1.5 and 9.1.7
Mayor Hon. MacTiernan	Nil.

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer to advise the meeting of:

10.5 Unopposed items which will be moved “En Bloc” and the following was advised:

Items 9.1.4, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.5.1, 9.5.3 and 9.5.4

10.6 Confidential Reports which will be considered behind closed doors and the following was advised:

Item 14.1.

New Order of Business:

The Chief Executive Officer advised the meeting of the New Order of business, in which the items will be considered, as follows:

(a) Unopposed items moved *En Bloc*;

Items 9.1.4, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.5.1, 9.5.3 and 9.5.4.

(b) Those being the subject of a question and/or comment by members of the public during “Question Time”;

Items 9.1.1, 9.1.3 and 14.1.

(c) Those items identified for discussion by Council Members;

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

(d) Confidential Items – to be considered (“Behind Closed Doors”).

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.

ITEMS APPROVED “EN BLOC”:

The following Items were approved unopposed and without discussion “*En Bloc*”, as recommended:

Moved Cr Buckels Seconded Cr Pintabona

That the following unopposed items be approved “En Bloc”, as recommended;

Items 9.1.4, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.5.1, 9.5.3 and 9.5.4

CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

9.1.4 Amendment No. 93 to Planning and Building Policy Manual – Rescission of Appendices

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	PLA0240
Attachments:	001 – Appendix Nos. 1, 2, 4, 5, 7 and 10		
Tabled Items:	Nil		
Reporting Officer:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RESCINDS** the following local planning policies:
 - 1.1 **Appendix No. 1 – Precinct Area Maps;**
 - 1.2 **Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;**
 - 1.3 **Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;**
 - 1.4 **Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines; and**
 - 1.5 **Appendix No. 10 – Glossary of Terminology; and**
2. **AUTHORISES** the Chief Executive Officer to advertise the final rescission of Appendix Nos. 1, 2, 4, 5 and 10, as shown in Appendix 9.1.4, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the rescission of Appendix Nos. 1, 2, 4, 5 and 10 to the City's Planning and Building Policy Manual and to seek final rescission of these appendices.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) was endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual. The City's Officers have reviewed the Appendices of the Planning and Building Policy Manual and propose that Appendix Nos. 1, 2, 4, 5, 7 and 10 be rescinded.

History:

Appendices 1, 2, 4, 5 and 10

Date	Comment
27 March 2001	<p>The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the following appendices that are subject to this amendment:</p> <ul style="list-style-type: none"> • Appendix No. 1 – Precinct Area Maps; • Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines; • Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines; • Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines; and • Appendix No. 10 – Glossary of Terminology.

Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’

Date	Comment
8 March 1999	The Council at its Ordinary Meeting resolved to adopt Design Guidelines for the ‘Old Bottleyard’ site. These Design Guidelines were developed in response to a subdivision application submitted by the City for three (3) residential lots at approximately 2,500 square metres in size with a pedestrian access way that ran from the corner of Palmerston Street and Stuart Street to Robertson Park.
3 May 1999	The WAPC approved the subdivision of No. 73 Palmerston Street, Perth into three (3) residential lots. This subdivision approval did not proceed.
11 November 1999	The City commissioned Van Der Meer Consulting to review development and subdivision options for the ‘Old Bottleyard’ site. This report proposed nine (9) different subdivision options.
8 February 2000	The Council at its Ordinary Meeting resolved to adopt subdivision Design Option A from the Van Der Meer report.
15 February 2000	The Council at its Ordinary Meeting resolved to amend the Design Guidelines to be consistent with subdivision Design Option A.
12 June 2001	The City of Vincent submitted an application to subdivide the subject lot into two (2) lots as per subdivision Design Option A. This subdivision created two (2) lots, one being 5,737 square metres and being set aside for public open space and the other 4,004 square metres and proposed to be subdivided into seventeen (17) other lots, with a land area of approximately 190 square metres each.
23 October 2001	The Western Australian Planning Commission approved the subdivision of No. 73 Palmerston Street, Perth, in accordance with Design Option A.
11 January 2002	The City wrote to the WAPC requesting that the subdivision be staged and the two (2) ‘super lots’ be created, prior to the creation of the seventeen (17) lots.
31 May 2002	The WAPC approved the amended subdivision into two (2) ‘super lots’.
31 March 2003	The City of Vincent sold No. 75 (Lot 88) Palmerston Street, Perth.
17 January 2006	An application was submitted to the WAPC for the subdivision of No. 75 Palmerston Street into seventeen (17) green title lots. This subdivision layout was consistent with the approval issued by the WAPC on 23 October 2001.
10 May 2006	The WAPC approved the subdivision into seventeen (17) green title lots. This subdivision approval did not proceed and expired on 10 May 2009.

Previous Reports to Council:

Date	Comment
24 April 2012	<p>The Council at its Ordinary Meeting resolved as follows:</p> <p><i>“That the Council:</i></p> <ol style="list-style-type: none">1. <i>AUTHORISES the Chief Executive Officer to advertise the proposed rescission of the following Appendices of the Planning and Building Policy Manual, as shown in Appendix 9.1.5, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation:</i><ol style="list-style-type: none">1.1 <i>Appendix No. 1 – Precinct Area Maps;</i>1.2 <i>Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;</i>1.3 <i>Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;</i>1.4 <i>Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines; and</i>1.5 <i>Appendix No. 10 – Glossary of Terminology; and</i>2. <i>DEFERS the rescission of Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’, and for this to be and considered at an Ordinary Meeting of Council to be held in June 2012.”</i>

DETAILS:

The City’s Officers propose that Appendix Nos. 1, 2, 4, 5 and 10 of the City’s Planning and Building Policy Manual, be rescinded as it is considered that they are no longer relevant to Town Planning Scheme No. 1, and the aims of the policies are not consistent with the objectives of the Draft Local Planning Strategy and Town Planning Scheme No. 2.

CONSULTATION/ADVERTISING:

The rescission of Appendix Nos. 1, 2, 4, 5 and 10 of the Planning and Building Policy Manual, were advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, commencing on 15 May 2012 and closing on 13 June 2012.

In total, four (4) submissions were received as follows:

- 3 – stated neither objection nor support for the proposal; and
- 1 – stated support for the proposal.

None of the four (4) submissions received raised any issues or concerns relating to the rescission of the subject policies.

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- Residential Design Codes of Western Australia.

RISK MANAGEMENT IMPLICATIONS:

The development requirements and content listed in existing Appendix Nos. 1, 2, 4, 5 and 10 of the City’s Planning and Building Policy Manual, in some areas conflict with other City of Vincent Policies and the current aims and objectives of *Directions 2031* and the City’s Draft Local Planning Strategy. Furthermore, as stated above, there are several residential development requirements listed in these Appendices that cannot be varied in a Local

Planning Policy, without the approval of the WAPC. This inconsistency is a risk to the City and Council when assessing and determining applications for Planning Approval.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objective 1 states:

"Natural and Built Environment"

1.1 *Improve and Maintain the Environment and Infrastructure*

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

SUSTAINABILITY IMPLICATIONS:

This report relates to the proposed rescission of existing policies that are either no longer relevant and/or do not meet the long term outcomes of this City.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 0</u>
Balance:	\$80,000

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

COMMENTS:

In light of the above, it is recommended that the Council rescind Appendix Nos. 1, 2, 4, 5 and 10 and of the City's Planning and Building Policy Manual.

9.2.3 Tender No. 454/12 – Manufacture and Supply of Signage

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	TEN0349
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tenders submitted by Road Signs Australia, Artcraft and Jason Signmakers as being acceptable to the City for the Manufacture and Supply of Signage in accordance with the specifications as detailed in Tender No. 454/12.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the tenders evaluated as being the best value for money for the Manufacture and Supply of Signage for a three (3) year period.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

BACKGROUND:

The tender for the Manufacture and Supply of Signage for the three (3) year period 2012/2013 to 2014/2015 was advertised in the West Australian on 9 May 2012 and closed at 2.00pm on 23 May 2012 after a fourteen day (14) advertising period.

DETAILS:

Three (3) tenders were received for Tender No. 454/12 and present at the opening of the tender was Finance Officer, and Technical Officer Assets & Fleet. Details of the submissions received are as follows:

Prices are GST inclusive.

No.	Item Description	Unit	Estimated Usage (per annum)	Jason Signmakers	Road Signs Australia	Artcraft
1	Street Nameplate (Type A) Sign 200mm x 1.2m	plate	30	\$ 56.65	\$ 48.40	\$ 44.00
2	Street Nameplate (Type C) Sign 200mm x 0.500m	plate	Not available	\$ 39.60	\$ 31.90	\$ 33.00
3	Parking Control Sign 225 x 300mm	plate	10	\$ 17.05	\$ 10.45	\$ 12.10

No.	Item Description	Unit	Estimated Usage (per annum)	Jason Signmakers	Road Signs Australia	Artcraft
4	Parking Control Sign 225mm x 450mm	plate	830	\$ 19.80	\$ 12.76	\$ 13.20
5	Parking Control Sign – Other (i.e. 300mm x 450mm)	plate	160	\$ 23.10	\$ 15.40	\$ 16.50
6	Regulatory/Warning Sign 300mm x 450mm	plate	Not available	\$ 25.30	\$ 17.05	\$ 22.00
7	Regulatory/Warning Sign 450mm x 675mm	plate	80	\$ 36.30	\$ 32.45	\$ 33.00
8	Regulatory/Warning Sign 225mm x 900mm	plate	25	\$ 34.10	\$ 23.65	\$ 27.50
9	Guide Sign 900mm x 600mm	plate	not available	\$ 58.30	\$ 50.82	\$ 44.00
10	Flat Signs – 1200mm x 300mm (uni strut framework)	plate		\$ 69.30	\$ 56.10	\$ 83.60
11	Flat Signs – 1200mm x 900mm (uni strut framework)	plate		\$124.30	\$115.50	\$126.50
12	Other Signs – 1500mm x 900mm (uni strut framework)	plate		\$145.20	\$140.80	\$143.00
13	Other Signs – 1800mm x 1200mm (uni strut framework)	plate		\$229.90	\$240.90	\$214.50
14	Other Signs – 2100mm x 200mm (finger board)	plate		\$ 78.10	\$ 64.35	\$ 66.00
15	Service Sign 1200mm x 200mm	plate		\$ 45.10	\$ 42.90	\$ 49.50
16	Service Sign 1200mm x 150mm	plate		\$ 37.40	\$ 31.90	\$ 46.20
17	Service Sign 2100mm x 450mm	plate		\$ 96.80	\$126.50	\$143.00
18	Service Sign 1500mm x 450mm	plate		\$ 77.00	\$100.65	\$110.00
19	Decal – Parking Arrow Heads	50 / unit	units	\$ 1.38	\$ 0.44	\$ 1.32
20	Decal – Parking Arrow Bars	50 / unit		\$ 1.38	\$ 0.44	\$ 1.32

Mounting Brackets						
21	Type A – TD1	each	300	\$ 2.20	\$ 1.375	\$ 0.99
22	Type A – TD2	each	40	\$ 3.19	\$ 1.815	\$ 1.10
23	Type B – ‘L’ Bracket	each	100	\$ 4.40	\$ 2.035	\$ 2.42
24	Type C – Bandit Strapping	each	not available	\$ 82.50	\$ 14.85	\$104.50
25	Type D – Top Mount	each	20	\$ 14.85	\$ 18.15	\$ 27.50
26	Type E – ‘H’ Bracket	each		\$ 27.50	\$ 8.80	\$ 16.50
27	Type F – Saddle Clamp	each		\$ 3.30	\$ 2.75	# See note below
Sign Poles with Caps						
28	Type A1	each	150	\$ 23.65	\$ 26.40	\$ 33.00
29	Type A2	each		\$ 26.62	\$ 37.40	\$ 38.50
30	Type A3	each		\$ 31.46	\$ 37.40	\$ 44.00
31	Type A4	each		\$ 33.88	\$ 41.80	\$ 46.20
32	Type B	each	20	\$41.80	\$ 55.55	\$ 49.50
33	Type C	each		\$ 58.52	\$141.90	\$121.00
34	Type D	each		\$ 79.75	\$159.50	\$209.00
35	Type E	each		\$103.18	\$196.90	\$220.00
36	Type F	each		\$ 66.00	\$ 53.35	\$ 49.50
37	Type G	each	50	\$ 55.22	\$ 39.60	\$ 38.50
38	Type H1	each	50	\$ 77.00	\$ 67.65	\$ 55.00

39	Type H2	each		\$ 82.50	\$ 76.45	\$ 90.20
40	Type H3	each		\$121.00	\$ 85.80	\$ 93.50
41	Powder-coating (TOV red, white, yellow or grey)	/ m		\$ 8.25	\$ 4.40	\$ 16.50

Note from Artcraft for Item 27 (see below):

	Mounting Brackets		Artcraft
27	Type F – Saddle Clamp	Unit	Total
	60mm	each	\$1.65
	76mm	each	\$2.20
	89mm	each	\$2.75
	102mm	each	\$3.85
	114mm	each	\$4.40
	140mm	each	\$9.90
	165mm	each	\$11.00

Tender Evaluation:

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Asset & Design Services, Depot Purchasing Officer, Technical Officer Assets and Manager Financial Services. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 7 June 2012 to assess the submissions. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Jason Signmakers	Road Signs Australia	Artcraft
Past experience in similar projects/works	30%	30.0	30.0	30.0
Contract Price	30%	23.0	30.0	29.0
Organisational Structure/capacity/resources	20%	19.0	17.0	18.0
Financial capacity	10%	10.0	8.0	7.0
Compliance with tender specifications	5%	4.0	4.0	4.0
References	5%	5.0	5.0	5.0
Total	100%	91.0	94.0	93.0
Rating		3	1	2

Tender Evaluation Panel comments are shown below:

1. Road Signs Australia

Total Weighted Score	First: 94.0
Past Experience	
<ul style="list-style-type: none"> Similar projects 	Has provided the majority of the City's standard parking signs over the past three years proving to be both reliable and flexible.
<ul style="list-style-type: none"> Experience 	Company representatives have long term industry experience and are responsive and easy to deal with.
Contract Price	
<ul style="list-style-type: none"> Schedule of Rates 	The schedule of rates provided has shown a minimal increase in costs since 2009, in line with CPI adjustments and labour/material increases.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	The Company has a number of high profile customers (including other metropolitan Councils) which they service from a large modern facility in Malaga offering a full range of Australian Standard signs as well a client specific signs.
<ul style="list-style-type: none"> Resources 	The Company is well resourced to meet the City's standard signage needs, including urgent works, and have proven to be reliable and readily available.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Comment:

The tender received was well documented and conformed to all of the City's tender requirements. Road Signs Australia has been providing the majority of the City's standard signs for the past three (3) years and has generally been both flexible and reliable as well as being the most competitively priced for the bulk of the standard signs types required.

2. Artcraft

Total Weighted Score	Second: 93.0
Past Experience	
<ul style="list-style-type: none"> • Similar projects 	Long established company with on-going contracts with other WA Local Governments.
<ul style="list-style-type: none"> • Experience 	Company representatives have long term industry experience.
Contract Price	
<ul style="list-style-type: none"> • Schedule of Rates 	The schedule of rates competitive with that of the first placed tender.
Organizational Structure	
<ul style="list-style-type: none"> • Capacity 	The Company has a national presence and a number of high profile customers (including other WA Local Governments) which they service from a large modern facility in Morley offering a full range of Australian Standard signs as well a client specific signs.
<ul style="list-style-type: none"> • Resources 	The Company is well resourced to meet the City's standard signage needs and referees indicate they provide a proven product and reliable service.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Comment:

The tender received was well documented and conformed to all of the City's tender requirements. Artcraft are a long established company with a proven track record in providing Australian Standard signage to local government. Their prices are competitive with that of Road Signs Australia providing the City an alternate supplier in the event that Road Signs Australia is unable to fill an order.

3. Jason Signmakers

Total Weighted Score	Third: 91.0
Past Experience	
<ul style="list-style-type: none"> • Similar projects 	Long established WA company with on-going contracts with other WA Local Governments and State Road and Transport Authority's.
<ul style="list-style-type: none"> • Experience 	Company representatives have long term and extensive industry experience. Able to provide other specialist services and products.
Contract Price	
<ul style="list-style-type: none"> • Schedule of Rates 	For the bulk purchase stock items such as Australian Standard parking signs they are the most expensive and as a consequence were scored down. However for the less frequently used larger site specific or unique signs, in which Jason's specialise, the prices were compatible.
Organizational Structure	

• Capacity	The Company has a major presence in the WA market and a number of high profile customers (including other WA Local Governments) which they service from a large facility in Welshpool offering a full range of Australian Standard signs as well a client specific signs and other products (bus shelters, street furniture etc.).
• Resources	The Company is well resourced to meet the City's standard signage needs and referees indicate they provide a proven product and reliable service.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Comment:

The tender received was well documented and conformed to all of the City's tender requirements. Jason Signmakers are the largest of the three manufacturers who tendered and provide a number of other specialist services and products. While their prices for bulk order stock items, such as standard parking signs, are more expensive than the other two tenders, Jason's have a proven track record in manufacturing high quality client specific and unique signs which the City is tending to use more frequently as part of Parking Strategy improvements.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on the 9 May 2012.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Low – Medium: The works associated with this tender are undertaken in accordance with the City's annual maintenance and capital works programs with all jobs assessed to ensure compliance with the relevant Australian Standards (where applicable).

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works relating to this tender amounts to an estimated \$80,000 - \$100,000 per annum (*up to \$300,000 over the term of the tender*) and is charged to the respective maintenance programs and capital works projects as approved by the Council.

COMMENTS:

By recommending all three tenders it provides the City with a surety of supply. This can be critical when State Road and Transport Authority's are undertaking large projects as their orders tend to take priority as a commercial reality. It also allows flexibility when ordering specific or unique signs as the City has the option of using the most appropriate manufacturer.

It is therefore recommended that the Council approves the tenders submitted by Road Signs Australia, Artcraft and Jason Signmakers for Manufacture and Supply of Signage in accordance with the specifications as detailed in Tender No. 454 /12.

9.2.4 Tender No. 455/12 – Installation of Signage

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	TEN0363
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officers:	R Lotznicker, Director Technical Services; and M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tenders submitted by Sam's Repairs & Maintenance and Line Marking Specialists as both being acceptable to the City for the Installation of Signage in accordance with the specifications as detailed in Tender No. 455/12.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the tenders evaluated as being the best value for money for the Installation of Signage for a three (3) year period.

BACKGROUND:

The tender for the Installation of Signage for the three (3) year period 2012/2013 to 2014/2015 was advertised in the West Australian on 9 May 2012 and closed at 2.00pm on 23 May 2012 after a fourteen day (14) advertising period. Two (2) tenders were received for Tender No. 455/12.

DETAILS:

Present at the opening of the tender was Finance Officer, and Technical Officer Assets & Fleet. Details of the two (2) submissions received for Tender No 455/12 are as follows:

Prices are GST inclusive.

No.	Item Description	Unit	Line Marking Specialists	Sam's Repairs & Maintenance
1	Installation of street name plates (on existing pole)	No.	\$ 30.00	\$ 44.00
2	Installation of street name plate and pole	No.	\$ 60.00	\$ 77.00
3	Removal and disposal of existing street name plate	No.	\$ 22.00	\$ 33.00

No.	Item Description	Unit	Line Marking Specialists	Sam's Repairs & Maintenance
4	Removal and disposal of existing street name plate and pole	No.	\$ 50.00	\$ 44.00
5	Removal and disposal of existing street name plate and installation of new street name plate	No.	\$ 40.00	\$ 66.00
6	Installation of parking control signs on existing poles	No.	\$ 22.00	\$ 40.00
7	Installation of parking control sign and pole	No.	\$ 60.00	\$ 77.00
8	Removal and disposal of parking control signs	No.	\$ 45.00	\$ 33.00
9	Removal and disposal of parking control sign and pole	No.	\$ 80.00	\$ 44.00
10	Removal and disposal of existing parking control sign and installation parking control sign	No.	\$ 80.00	\$ 44.00
11	Installation of signs larger than 1m ²	No.	\$180.00	\$143.00
12	Removal and disposal of signs larger than 1m ²	No.	\$180.00	\$121.00
13	Installation, removal and disposal of –Signs larger than 1m ²	No.	\$190.00	\$154.00
14	Applying and removal of stickers to existing signs	No.	\$ 25.00	\$ 11.00
15	Installation of handrails	No.	\$120.00	\$121.00
16	Standard hourly rate	Hr	\$ 65.00	\$ 55.00
17	After hours hourly rate	Hr	\$ 95.00	\$ 66.00
18	Additional cost for installation on grass	Item	N/A	Nil
19	Additional cost for installation on paving	Item	\$ 15.00	\$ 15.00
20	Additional cost for installation on concrete	Item	\$ 20.00	\$ 15.00

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Asset & Design Services, Depot Purchasing Officer, Technical Officer Assets and Fleet, and Manager Financial Services. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 7 June 2012 to assess the submission. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Line Marking Specialists	Sam's Repairs & Maintenance
Past experience in similar projects/works	30%	26.0	30.0
Contract Price	30%	29.6	30.0
Organisational Structure/capacity/resources	20%	18.0	17.0
Financial capacity	10%	8.0	8.0
Compliance with tender specifications	5%	3.5	4.0
References	5%	5.0	5.0
Total	100%	90.1	94.0
Rating		2	1

Tender Evaluation Panel comments are shown below:

1. Sam's Repairs and Maintenance

Total Weighted Score	First: 94.0
Past Experience	
<ul style="list-style-type: none"> Similar projects 	Incumbent and long term contractor for the City, has undertaken the majority of the City's signage installation work over the past three years proving to be both reliable and flexible.
<ul style="list-style-type: none"> Experience 	Contractor is a long term resident of the City and has extensive local knowledge of the road network and existing signage infrastructure. Easy to deal with, available at short notice and can be relied upon to complete assigned works in a timely manner.
Contract Price	
<ul style="list-style-type: none"> Schedule of Rates 	The schedule of rates provided has shown a minimal increase in costs since 2009, in line with CPI adjustments and labour/material increases.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	A single person operation that has shown that they well organised and has the capacity to undertake the requirements of the tender on time, budget and with due regard to Occupational Health and Safety.
<ul style="list-style-type: none"> Resources 	The Company is well resourced to undertake the required tasks including urgent works and have proven to be reliable and readily available.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Comment:

The tender received was well documented and conformed to all of the City's tender requirements. Sam's Repairs and Maintenance has been undertaking this work for many years and has provided a high level of service.

2. Line Marking Specialists

Total Weighted Score	Second: 90.1
Past Experience	
<ul style="list-style-type: none"> Similar projects 	While this is a first time tender for this work an employee has past experience in signs installation, including for the City.
<ul style="list-style-type: none"> Experience 	A long term contractor for the City providing line marking services and there is some synergy in installing signs with line marking, i.e. new parking restrictions. Company representatives are good to deal with, providing a professional approach and undertaking all works in a timely manner.
Contract Price	
<ul style="list-style-type: none"> Schedule of Rates 	The schedule of rates is competitive with incumbent contractor's rates, which in-turn have shown a minimal increase in costs since 2009, in line with CPI adjustments and labour/material increases.
Organizational Structure	

• Capacity	The company has shown that they are well organised and have the capacity to undertake the requirements of the tender on time, budget and with due regard to Occupational Health and Safety.
• Resources	The Company is well resourced and when required for urgent works they have proven to be reliable and readily available.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Comment:

The tender received was well documented and conformed to all of the City's tender requirements. An employee of Line Marking Specialists has past experience in sign installation and the company has always provided a reliable service. Given that the incumbent, and No. 1 rated tender, is single person operation, for continuity of operations, it is recommended that Line Marking Specialists be approved as one (1) of two (2) contractors for Installation of Signage.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on the 9 May 2012.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Low – Medium: The works associated with this tender are undertaken in accordance with the City's annual maintenance and capital works programs with all jobs assessed to ensure compliance with the relevant Australian Standards (where applicable).

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works relating to this tender amounts to an estimated \$90,000 per annum (*up to \$270,000 over the term of the tender*) and is charged to the respective maintenance programs and capital works projects as approved by the Council.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by both Sam's Repairs and Maintenance and Line Marking Specialists for Installation of Signage in accordance with the specifications as detailed in Tender No. 455 /12.

9.2.5 Tender No. 453/12 – Pavement Marking Services

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	TEN0348
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officers:	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tender submitted by **Line Marking Specialists** as being the most acceptable to the City for **Pavement Marking Services** in accordance with the specifications as detailed in **Tender No. 453/12**.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the tender evaluated as being the best value for money for Pavement Marking Services for a three (3) year period.

BACKGROUND:

The tender for the provision of Pavement Marking Services for the three (3) year period 2012/2013 to 2014/2015 were advertised in the West Australian on 9 May 2012 and closed at 2.00pm on 23 May 2012 after a fourteen day (14) advertising period. Only one (1) tender was received for Tender No. 453/12.

DETAILS:

Present at the opening of the tender was Finance Officer, and Technical Officer Assets & Fleet. Details of the submission received for Tender No 453/12 is as follows:

Prices are GST inclusive.

ITEM	DESCRIPTION	UNIT	LINE MARKING SPECIALISTS
1	One parking bay – tick marks (refer to AS1742.11 – 1999, Figure 7.1 C)	each	\$ 6.50
2	One parking bay – solid lines, set out and paint (refer to AS1742.11 – 1999, Figure 7.1 A)	each	\$ 8.50
3	One parking bay – angled solid lines, set out and paint (refer to AS1742.11 – 1999, Figure 7.1 B)	each	\$ 8.50
4	Disable Parking bay with 'ACROD' logo 3.6m wide	each	\$ 48.00

ITEM	DESCRIPTION	UNIT	LINE MARKING SPECIALISTS
5	Bus stopping bay – standard paint	each	\$ 55.00
6	Bus stopping bay – cold applied plastic	each	\$150.00
7	Bus stopping bay – Thermoplastic	each	\$150.00
8	'NO PARKING' text height 300mm – stencil	each	\$ 22.00
9	'NO STOPPING' text height 300mm – stencil	each	\$ 22.00
10	Stencilling text height 300mm per letter	each	\$ 3.00
11	Straight lines 80mm – 100mm wide	m	\$ 1.90
12	Arrows – straight and straight turn – 6000mm height	each	\$ 20.00
13	Arrows – turn – 4000mm height	each	\$ 20.00
14	'Piano Keys' one side of speed humps – Thermoplastic	m	\$155.00
15	ROW speed humps – white out(300mm wide)	m	\$ 39.00
16	Blackout/Painting Over	m	\$ 22.00
Cost over and above standard line			
Item	Description	Unit	Line Marking Specialists
17	Addition of Glass Beads		Included in works.
18	Blacking out of existing road markings.		\$ 22.00
Cost of other items not included above or 'value for money' pricing			
19	Availability to spot roads on new asphalt pavements in accordance with the City of Vincent plan during the week.		\$48.00 / Hr
20	Availability to spot roads on new asphalt pavements in accordance with the City of Vincent plan during weekends.		\$90.00 / Hr

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Asset & Design Services, Depot Purchasing Officer, Technical Officer Assets and Fleet and Manager Financial Services. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 7 June 2012 to assess the submission. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Line Marking Specialists
Past experience in similar projects/works	30%	30.0
Contract Price	30%	30.0
Organisational Structure/capacity/resources	20%	18.0
Financial capacity	10%	8.0
Compliance with tender specifications	5%	4.0
References	5%	5.0
Total	100%	95.0
Rating		1

Tender Evaluation Panel comments are shown below:

1. Line Marking Specialists

Total Weighted Score	First: 95.0
Past Experience	
<ul style="list-style-type: none"> Similar projects 	Comprehensive list provided including many of the City's car parking, road resurfacing and traffic management improvement projects over the past three years.
<ul style="list-style-type: none"> Experience 	Long term contractor for the City and several regional shopping centres facility managers. Company representatives are excellent to deal with, providing a professional approach and undertaking all requirements in a timely manner.

Contract Price	
<ul style="list-style-type: none"> Schedule of Rates 	The schedule of rates provided has shown a minimal increase in costs since 2009, in line with CPI adjustments and labour/material increases.
Organizational Structure	
<ul style="list-style-type: none"> Capacity 	The company has shown that they are well organised and have the capacity to undertake the requirements of the tender with due regard to Occupational Health and Safety.
<ul style="list-style-type: none"> Resources 	The Company is well resourced and when required for urgent works they have proven to be reliable and readily available.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with the tender specification requirements.
References	Comprehensive list provided.

Comment:

The tender received was well documented and conformed to all of the City's tender requirements. Line Marking Specialists has been undertaking this work for many years and has provided a high standard and reliable service.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on the 9 May 2012.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Low - Medium: The works associated with this tender are undertaken in accordance with the City's annual maintenance and capital works programs with all jobs assessed to ensure compliance with the relevant Australian Standards (where applicable).

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works relating to this tender amounts to an estimated \$80,000 - \$95,000 per annum (*up to \$285,000 over the term of the tender*) and is charged to the respective maintenance programs and capital works projects as approved by the Council.

COMMENTS:

It is therefore recommended that the Council approves the tender submitted by Line Marking Specialists for Pavement Marking Services in accordance with the specifications as detailed in Tender No. 453/12.

9.3.1 Financial Statements as at 31 May 2012

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 May 2012 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 May 2012.

BACKGROUND:

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates for the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income for the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure; and
- includes other supporting notes and other information that the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

In addition to the above, under Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 May 2012:

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-31
8.	Restricted Cash Reserves	32
9.	Sundry Debtors Report	33
10.	Rate Debtors Report	34
11.	Beatty Park Leisure Centre Report – Financial Position	35
12.	Variance Comment Report	36-41
13.	Monthly Financial Positions Graph	42-44

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Appendix 9.3.1.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$14,411,730
YTD Revised Budget	\$15,030,345
YTD Variance	(\$618,616)
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 96% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 3% under budget;
 Governance – 25% under budget;
 Health – 4% under budget;
 Education and Welfare – 4% under budget
 Community Amenities – 2% under budget;
 Recreation and Culture – 1% under budget;
 Transport – 6% under budget;
 Economic Services – 12% under budget;
 Other Property and Services – 9% over budget; and
 General Administration (Allocated) – 220% over budget.

Note: Detailed variance comments are included on page 36 – 41 of Appendix 9.3.1.

Operating Expenditure

YTD Actual	\$37,477,624
YTD Revised Budget	\$36,699,688
YTD Variance	(\$777,936)
Full Year Budget	\$42,263,978

Summary Comments:

The total operating expenditure is currently 102% of the year to date Budget estimate

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 6% over budget;
 Governance – 4% over budget;
 Law Order and Public Safety – 1% over budget;
 Health – 3% under budget;
 Education and Welfare – 1% under budget;
 Community Amenities – 2% over budget;
 Recreation and Culture – 3% over budget;
 Transport – 3% under budget;
 Economic Services – 24% over budget;
 Other Property & Services – 32% over budget; and
 General Administration (Allocated) – 660% under budget.

Note: Detailed variance comments are included on page 36 – 41 of Appendix 9.3.1.

Net Operating and Capital Excluding Rates

The net result is Operating Revenue less Operating Expenditure plus Capital Revenue, Profit/(Loss) of Disposal of Assets and less Capital Expenditure.

YTD Actual	\$20,248,143
YTD Revised Budget	\$27,193,956
Variance	(\$6,945,813)
Full Year Budget	\$23,333,918

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure.

Note: Detailed variance comments are included on page 36 – 41 of Appendix 9.3.1.

4. Statement of Financial Activity by Nature and Type Report

This statement of Financial Activity shows operating revenue and expenditure classified by nature and type.

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$24,027,883 and non-current assets of \$192,579,031 for total assets of \$216,606,914.

The current liabilities amount to \$9,627,204 and non-current liabilities of \$18,799,329 for the total liabilities of \$28,426,533.

The net asset of the City or Equity is \$188,180,382.

7. Net Current Funding Position

	Note	31 May 2012 YTD Actual \$
Current Assets		
Cash Unrestricted	1	3,206,676
Cash Restricted	2	17,903,765
Receivables – Rubbish and Waste	3	180,245
Receivables – Others	4	3,105,976
Inventories	5	176,799
		24,573,461
Less: Current Liabilities		
Trade and Other Payables	6	(4,195,962)
Provisions	7	(2,474,541)
Accrued Interest (included in Borrowings)	8	(134,004)
		(6,804,506)
Less: Restricted Cash Reserves		(17,903,765)
Net Current Funding Position		(134,810)

The net current asset position as at 31 May 2012 is \$17,768,955.

Note: Detailed analyses are included on page 22-23 of Appendix 9.3.1.

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2011/2012 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$232,840	\$87,718	38%
Plant & Equipment	\$1,126,500	\$1,080,800	\$401,850	37%
Land & Building	\$15,154,425	\$12,405,875	\$6,998,477	56%
Infrastructure	\$12,082,448	\$6,147,870	\$3,594,038	58%
Total	\$28,546,373	\$19,867,385	\$11,082,082	56%

Note: Detailed analyses are included on page 24-31 of Appendix 9.3.1.

9. Restricted Cash Reserves

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 31 May 2012 is \$17.9m. The balance as at 31 May 2011 was \$9.2m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$604,283 is outstanding at the end of May 2012.

Out of the total debt, \$288,357 (47.7%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

The Sundry Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

11. Rate Debtors

The notices for rates and charges levied for 2011/12 were issued on the 18 July 2011.

The Local Government Act 1995 provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	22 August 2011
Second Instalment	24 October 2011
Third Instalment	5 January 2012
Fourth Instalment	8 March 2012

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the City for rate concessions do not incur the above interest or charge.

Rates outstanding as at 31 May 2012 including deferred rates was \$302,103 which represents 1.32% of the outstanding collectable income compared to 1.16% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 May 2012 the operating deficit for the Centre was \$1,865,253 in comparison to the year to date budgeted deficit of \$1,911,710.

The cash position showed a current cash deficit of \$1,358,323 in comparison year to date budget estimate of a cash deficit of \$1,487,166. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop closed on 26th October, 2011. Both outdoor and the indoor pool are now closed for the redevelopment.

In addition the Swim school has been made available to interested patrons at Aqualife at the Town of Victoria Park for the period of the redevelopment.

As a result a revised budget for Beatty Park to reflect these changes of the operations has been adopted.

13. Variance Comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of \$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

"4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.3.2 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 9

Ward:	South	Date:	29 June 2012
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;
 - 2.2 Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified professionals to provide information of rental valuations and leasing options;
 - 2.3 Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;
 - 2.4 Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and
3. **NOTES** that a further report will be submitted to the Council no later than October 2012.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street North Perth.

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012, 8 May 2012 and 12 June 2012.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the Beatty Park Leisure Centre Redevelopment Project Stage 1 and resolved (in part) the following:

“That the Council;

2. **APPROVES:**

- 2.1 (a) *the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,065,000 to be funded as follows;*

<i>Federal Government</i>	<i>Nil</i>
<i>State Government - CSRFF</i>	<i>\$2,500,000</i>
<i>State Government – nib Stadium payment</i>	<i>\$3,000,000</i>
<i>Beatty Park Leisure Centre Reserve Fund</i>	<i>\$3,500,000</i>
<i>Loan Funds</i>	<i>\$8,065,000</i>
<i>Total:</i>	<i>\$17,065,000</i>

DETAILS:

1. **CONTRACT DOCUMENTATION**

1.1 **Tender**

Tender No. 429/11 Construction
Advertised: 14 May 2011
Closed: 26 July 2011
Awarded: Perkins Builders

Tender No. 430/11 Geothermal
Advertised: 14 May 2011
Closed: 15 July 2011
Awarded: Drilling Contractors of Australia

Tender No. 436/11 Fire detection system and water tanks
Advertised: 17 September 2011
Closed: 12 October 2011
Awarded: Perkins Builders

1.2 **Contracts**

Construction contract signed on 7 October 2011.

Fire Detection and Water Tanks to be treated as a variation to the Head Agreement.

Geothermal contract signed on 6 September 2011.

1.3 **Contract Variations/Additional Scope of Works**

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line; and
- Existing pool dive board modifications.

Geothermal

- Additional 100m drilling to obtain adequate temperature;
- Additional time required to develop production bore;
- Variations to design of injection bore, based on production bore geophysical data;
- Loss of drilling mud due to porous nature of bore;
- Bore testing schedule revised to save costs (both together);
- Variations to pumping controls to cater for slower flow rates required;
- Additional meters required by Department of Water to meet new Licence conditions; and
- Removal of valves and flanges replaced by meters.

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage	\$8,000	(\$2,339)	\$5,661
Total	\$336,000	(\$247,685)	\$88,315

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Total	\$84,084

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,433
New water supply to slides	\$7,548
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,844
Total	\$61,892

Summary of Variations

Total Variation Savings	(\$88,315)
Total Variation Additions	\$145,976
Total Variation	\$57,661

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995
Total Variation Savings			\$36,705
Total Variation Additions			\$133,405
Total Additional cost			\$96,700

1.5 **Claims**

Not applicable at this time.

1.6 **Insurance**

The City of Vincent insurances have been adjusted to cater for the coverage of existing and constructed buildings, during the construction period.

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed. Site has been returned to handover condition.

Beatty Park Reserve reinstatement has commenced.

2.2 **Bores**

Drilling complete – Rig has been removed from site.

2.3 **Commissioning**

No changes to previous report.

2.4 **Pipe works**

Pipework route has been altered due to location of existing services.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

3.2 **Car parking, Landscaping and interim external works**

Car park designs for geothermal area being developed. Relocation of injection bore has necessitated a change from the previous design. Technical services will provide an updated design for Council comment.

No further progress at this time.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

No changes to previous report.

3.5 **Hydraulic services**

Sensor controls for hand basins and showers have been installed.

3.6 **Electrical Services**

All light fittings are now installed.

3.7 **Mechanical services**

No changes to previous report.

3.8 **Environmental services**

Sensors for lighting operation installed.

3.9 **Interior finishing**

Tiling of changeroom walls completed.

Ceilings have been installed and painted.

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

Completed.

4.3 **Structural and Civil Engineering**

Café area block work completed.

External steel work in progress.

4.4 **Hydraulic services**

No change from previous report.

4.5 **Electrical Services**

New services being installed in main switchboard.

Electrical rough in underway for gym, group fitness and changeroom areas.

4.6 **Mechanical Services**

Ventilation services to new building still being installed.

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

No changes to previous report.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

50m pool tiles have arrived and are in the pool awaiting completion of indoor pool before installation commences.

Drainage work around pool has commenced.

Pipe work to connect to plant room is now completed.

5.2 **Dive Pool**

Dive pool tiles have arrived and are in the pool awaiting completion of indoor pool before installation commences.

Rendering of dive pool has been completed.

5.3 **New Learn to swim pool**

Concrete base has been poured and side walls are now being formed.

5.4 **Indoor pool/Leisure area**

Tiling has commenced. Approximately 98% completed.

5.5 **Plant Room**

Pipework for 25m pool completed

Balance tank remedial work to fix concrete cancer in existing walls has been completed.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work is on schedule.

Geothermal work is on schedule.

6.2 **Days Claimed**

Five (5) extension of time requests have been received from the Builder, of which four (4) requests have been approved.

7. COMMUNICATION PLAN

Various communication methods have been utilised to advise patrons, stakeholders and employees of the redevelopment, these are listed below:

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mailouts to members, clubs and stakeholders (Newsletter to Members and Swim School patrons during May 2012);
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview;
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (75 followers as at 27 June 2012).

8. MEMBERSHIP

Extensions were provided to all current members as at 1 October 2011.

A number of members have opted to suspend their membership throughout the redevelopment period. The number of suspensions applied for since the project commenced is 162.

Refunds have been provided to those members who requested this option. As at the 29 May 2012 a total of \$25,241 has been refunded. As at 27 June 2012 there have been no further refunds issued associated with the redevelopment.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure has been well received but will revert back to the normal fee structure once the indoor pool opens in late July 2012.

The current number of members is starting to increase and as at 27 June 2012 is 1,124 (68 more than last month).

9. EMPLOYEE MATTERS

Several permanent part time staff have had their hours reduced during the redevelopment and staff have taken the opportunity to reduce their accumulated long service or annual leave.

Other employees have been offered work within the City, where available, and the Manager Beatty Park Leisure Centre continues to work closely with the Manager Human Resources to provide employment and training opportunities during the redevelopment.

Swimschool has begun enrolments for Term 3 back at Beatty Park. Changes to the enrolment process, including the implementation of a direct debit payment system, have been put in place that will save considerable administration time in the future.

10. HISTORY

A complete photo history is being compiled throughout the course of the redevelopment. A photo diary has been set up on the City's website which is being regularly updated.

The Library and Local History Centre is currently working on a book to celebrate the history of the facility. This will be prepared to be ready in time for the 50th anniversary and the completion of the redevelopment. A first draft is now prepared and currently being reviewed. (approximately 200 pages)

In addition to the book, a Heritage room is being planned for Beatty Park. This will be a permanent display of memorabilia for patrons of the centre to celebrate the diversity and history of the facility.

CONSULTATION/ADVERTISING:

A letter drop was distributed to residents in the surrounding areas.

The City's Communications Officer has created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site.

A list of frequently asked questions and project plans are also located on the website. The site will be updated on a regular basis.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium-High: The redevelopment project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 49.5 years old. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant infrastructure projects (e.g. Loftus Centre Redevelopment, rectangular stadium, DSR Office Building, Leederville Oval redevelopment).

The risk of serious plant failure will continue until the plant is replaced and/or upgraded.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1: *Improve and maintain the natural and built environment and infrastructure.*

1.1.4: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

(e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 August 2011. The Council approved this project at a total cost of \$17,065,000.

The construction tender amounts to \$11,987,000 exclusive of GST and the Geothermal Energy System tender amounts to \$2,930,541 exclusive GST.

Building Construction Tender Progress Claim Payments – Perkins Builders

Seven (7) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012

Total Paid \$3,923,569.46

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Five (5) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$2,441,233.99

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date as works have only just commenced.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				

Total Paid Nil.

Funding

On 15 March 2012, the City received \$5 million from the State Government, being the upfront payment of the nib Stadium Lease. As per the Council decision, \$3 million has been placed in the Beatty Park Leisure Centre Reserve Fund and \$2 million placed in the Hyde Park Lakes Restoration Reserve Fund.

Loan

The Western Australian Treasury Corporation has approved a loan of \$8,065,000 at 5.49% per annum for 20 years.

Loan funds were received on 3 January 2012, repayments to commence on 3 September 2012.

CSRFF Funding

The City of Vincent will claim funds from this Department of Sport and Recreation grant for the Pool, Geothermal and Change room works.

Progress Payment Number	Date Requested	Amount Requested (excl GST)	Amount Received (excl GST)	Date Received
No. 1	03/01/2012	\$217,165.69	\$217,165	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614	06/02/2012
No. 3	17/04/2012	\$839,971	\$839,971	24/05/2012
No. 4				
No. 5				

Total Received \$1,248,750

Additional Funds

The Administration is following up grant enquiries from the following organisations:

- Lotterywest;
 - Liaising with other City of Vincent departments on projects that will be beneficial to the community.
- Heritage Council;
 - No funding available for Local Governments from the Heritage Council.
- Healthways;
 - Sponsorship of up to \$50,000 for promoting healthy lifestyles is available per Local Government per year and we will be liaising with other City of Vincent Departments to see what areas or programs would most benefit by applying for this funding.

- Community Energy Efficiency Program (CEEP);
 - A grant application is being prepared to assist with the cost of changing existing light fittings at Beatty Park that are not being touched during the current renovations. There are currently over 500 fluorescent globes that could be replaced with LED panels in the Centre.
- Community Sport and Recreation Facility Fund;
 - Small grants are available for local clubs and we are meeting with resident Beatty Park water polo and swimming clubs to coordinate any request to the Department of Sport and Recreation for this funding.

Prepare a new branding program for the Centre

The current logo and signage for Beatty Park Leisure Centre has been in use for over twenty (20) years. The current branding for the Centre, as shown below, is due for review to ensure it reflects the updated facility and the diverse range of facilities and programs that will be on offer once the completed Centre opens towards the end of 2012.



Suitably qualified marketing companies are proposed to be engaged to provide a direction for the future branding of the facility that will increase brand awareness and marketability. Items to be reviewed include, but are not limited to:

- Logo;
- General style guide relating to Beatty Park;
- General signage;
- Street signs;
- Business cards;
- Letterhead; and
- Brochures.

Investigate suitable uses for all vacant spaces at the Centre

The business case developed for the facility included the leasing of up to 470 m² of the facility by 2014/15 to Commercial organisations and the availability of another 250 m² for use by clubs and groups on an hourly rate.

Once the redevelopment is complete there will be a number of vacant spaces available ie. Group fitness room, gym and Creche. Suitable uses such as the leasing to associated sporting or professional organisations, commercial operators (Physiotherapists, Chiropractors, Wellness providers), and resident clubs will be investigated and recommendations referred to Council for approval.

Engage Real Estate Agents to provide market valuations for Commercial Rentals at the Centre

To ascertain the value of leasing areas out as opposed to utilising them for resident clubs or general storage a real estate agent will be engaged to review and advise on current market values of the spaces available and work that may be required to make the areas leasable.

Celebrations for Centre opening and fiftieth (50th) birthday events

As the fiftieth (50th) Anniversary and the completion of the redevelopment of Beatty Park Leisure Centre have coincided a number of events will be organised to celebrate both occasions.

Call for a Percent for Art component

As per the City's Percent for Public Art Policy 3.10.7 a design brief will need to be developed to ensure that a suitable art project is included in the work at the facility.

A tender will then be advertised to attract suitably qualified artists.

COMMENTS:

The Beatty Park Redevelopment Project is continuing to make good progress. The program schedule recently provided by the builder is on track for the indoor pool and refurbished change rooms to open by the 23 July 2012, the outdoor pools in September 2012 and the new extensions in December 2012.

Positive feedback has been received from facility users in regards to how the project is progressing.

A site visit was conducted for the Hon. Terry Waldron, Minister for Sport and Recreation on the 26 June 2012 together with the Mayor and Chief Executive Officer. The Minister was suitably impressed with the progress and commended the Council once again on the project.

Monthly progress reports will continue to be provided to the Council throughout the project.

9.3.3 Portion of 1 (Lot 33) The Avenue, Leederville – Proposed Lease area for Telstra Corporation Limited

Ward:	South Ward	Date:	29 June 2012
Precinct:	Oxford Centre (4)	File Ref:	PRO1657
Attachments:	001 - Map of Proposed Lease area		
Tabled Items:			
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

1. That the Council **APPROVES** the lease area of portion of the premises located at 1 (Lot 33) The Avenue, Leederville, being granted to Telstra Corporation Limited as per Appendix 9.3.3A, as follows:

- 1.1 **Term:** five (5) years;
- 1.2 **Rent:** \$24,000 per annum plus GST indexed to CPI;
- 1.3 **Outgoings:** included in rent;
- 1.4 **Rates & Taxes:** included in rent;
- 1.5 **Permitted Use:** in accordance with Telecommunications Act; and
- 1.6 **Redevelopment Clause:** twelve (12) month notice of any potential redevelopment under the Leederville Masterplan

Subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with details regarding Telstra Corporation Limited's lease and their request for a further period of the leased area.

BACKGROUND:

Telstra Corporation Limited has held a lease over a small portion of the car park at 1 The Avenue, Leederville for a period of fifteen (15) years, consisting of three (3) five (5) year terms.

DETAILS:

Negotiations for a further lease period commenced with Telstra Corporation Limited on 24 July 2009 when the City received a request from Telstra Corporation Limited for a further five (5) year term plus two (2) five (5) year option periods in part as follows;

“We note the current lease is due to expire on 30 June 2010.

It is a requirement that Telstra ascertain whether your company is willing to renew the lease under the following essential terms:

- ***Initial term: Five (5) years***
- ***Option term: 2 x 5 years***
- ***Commencing rent: \$24,000***
- ***Rent increase: 3% per annum***

The new lease agreement will be according to the same terms and conditions of the expiring lease with the inclusion of the essential terms listed above.

Would you please communicate your willingness to enter into the renewed lease agreement to the writer at your earliest convenience..."

The City responded to this correspondence on the 7 August 2009 advising as follows (in part):

"As per our discussions, due to the implementation of the Leederville Masterplan the Town would not be prepared to offer a lease for more than two (2) years. The Town will ensure that twelve (12) months notice prior to the Town requiring the land for redevelopment would be given to Telstra.

Therefore in regards to the terms for the lease the Town will recommend to the Council that Telstra is offered the following conditions;

- ***Initial term: Two (2) years***
- ***Option term: Nil***
- ***Commencing rent: \$24,000 pa***
- ***Rent reviewed annually in alignment with CPI***

As far as your request for the telecommunications facility to be installed on any future building, the town is reluctant at this point in time, to make a commitment of this nature as the building form for this has not yet been determined..."

The leasing agent representing Telstra Corporation Limited then went through a change over period from United Group Services Pty Ltd to Jones Lang LaSalle and this therefore caused a delay in negotiations.

On the 2 March 2010 copies of all correspondence was forward to the new managing agents for their review and discussion with Telstra Corporation Limited. The City's officers had to pursue Jones Lang LaSalle for a response in this matter and on the 28 June 2010 notification was received that the following specific terms were agreed and that negotiations on the full lease terms could proceed;

"The terms you have listed below are acceptable, with the exception of the redevelopment clause, we would like to review this clause before accepting it.

Can you please provide a copy of the proposed lease for Telstra's review.

Initial term: Five (5) years

Option term: Nil

Commencing rent: \$24,000.00 pa

Rent reviewed annually in alignment with CPI

A redevelopment clause to allow for the implementation of the Leederville Masterplan (The Town will ensure that twelve (12) months notice prior to the Town requiring the land for redevelopment would be given to Telstra)"

The City sent a draft lease as requested, no response was received. Letters were sent to Manager Jones Lang La Salle in October 2010 and further correspondence sent to Telstra Property Director in late November 2010.

In January 2011 Officers spoke to Telstra Property Management and promised to review files.

The lease was then referred to the Australian Government Solicitors Office and draft lease was received in late April 2011 with comprehensive changes requested, a number of proposed changes could not be agreed to by the City.

The City responded to Telstra in early July 2011 advising which changes were unacceptable to the City.

Following further email correspondence the City was advised in late August 2011 that the Australian Government Solicitor was seeking instructions from Telstra following the City's comments and amendments.

In early December 2011 the City received a draft lease from Telstra and replied on the 21 December 2011 that it could accept the lease with the exception of two (2) items, the clause on Sub – letting and Payments of cost and interest.

The City received confirmation from the Australian Government Solicitor Office on the 23 March 2012 confirming that the last remaining issue had been resolved and requested copies of the lease for their signature.

It is advised that Telstra have signed the proposed lease document. It then came to the Officers attention that the lease had not been reported to Council for its approval.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Policy 1.2.1 - Terms of Lease

RISK MANAGEMENT IMPLICATIONS:

Low: This request for the lease is a minimal risk for the City as it is for the same area already in use by Telstra.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2011-2016 – Key Result Area One:

"1.1.6 Enhance and maintain the City's infrastructure to provide a safe, healthy, sustainable and functional environment

(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has a lease with Telstra Corporation Limited on a periodic basis at the increased rent of \$24,000 excluding GST per annum.

COMMENTS:

Telstra Corporation Limited have been excellent tenants for the past fifteen (15) years and the administration has no hesitation in supporting a further five (5) year period, with a redevelopment clause in the agreement should the Leederville Masterplan be implemented.

9.4.1 Disability Access and Inclusion Plan (DAIP) 2012-2017 - Review

Ward:	All	Date:	29 June 2012
Precinct:	All	File Ref:	CMS0053
Attachments:	001 – Draft DAIP 2.0 002 – City of Vincent DAIP (2012-2017) Consultation Summary 003 – Community DAIP Survey		
Tabled Items:	Nil		
Reporting Officer:	B Grandoni, Acting Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to the Draft Disability Access and Inclusion Plan 2012-2017, prepared by the Multiple Sclerosis (MS) Society, as shown in Appendix 9.4.1A;
2. **ADVERTISES** the Draft Disability Access and Inclusion Plan 2012-2017 prepared by the Multiple Sclerosis (MS) Society for public comment for a further period of twenty-one (21) days inviting written submissions from the public, key stakeholders and Service Providers;
3. **After the expiry of the period for submissions:**
 - 3.1 **REVIEWS** the Draft Disability Access and Inclusion Plan 2012-2017 having regard to any written submissions received; and
 - 3.2 **ENDORSES** the Draft Disability Access and Inclusion Plan 2012-2017 with or without amendment; and
4. **ADVISES** all of the residents, Service Providers and staff who participated in the initial consultation of the finalisation of the Draft Disability Access and Inclusion Plan 2012-2017 and the further consultation.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

To seek comments and support from the Council following completion of the review of the Disability Access and Inclusion Plan (2007-2012), prior to an additional community consultation and final adoption by the Disability Services Commission (DSC).

BACKGROUND:

- | | |
|-----------------|--|
| 1996 | The City of Vincent's original Disability Services Plan (DSP) was first adopted in 1996. |
| 19 October 2004 | The City's DSP was formally updated to a DAIP to adhere to the reviewed Disability Services Act WA (1993). |
| 11 April 2006 | City's current DAIP (2006-2011) was adopted by the Council. |

DETAILS:

The Disability Access and Inclusion Plan (DAIP) is an initiative of Disability Services Commission (DSC) which provides a planned approach for organisations to progressively improve access and inclusion. It is a requirement of the Disability Services Act 1993 (amended 2004) that public authorities develop and implement a DAIP, report annually and review the DAIP every five (5) years.

The City of Vincent's current DAIP was adopted in April 2006 and provides a means of ensuring that people with disability and carers have the same opportunities as other people to access services, community events, buildings and facilities and information.

The current DAIP (2006-2011) has expired and was scheduled for a review in 2012. The key aims for the reviewed DAIP (2012-2017) builds upon the work already achieved in improving physical access, raising awareness through training and events, developing specific programmes and encouraging increased communications between people with disability within the City.

In February 2012, a 'Request for Quotation' was advertised to coordinate the review process for the City's DAIP. The successful applicant was required to explore how access and inclusion could be achieved through creating clear objectives and strategies that the City of Vincent internal staff and external contractors could adopt. The DAIP process also involved identifying and establishing links with external agencies, whilst also recognising gaps and duplication in services in the City for people with disability and carers.

Seven (7) proposals were submitted and reviewed internally following a detailed evaluation template. Three (3) Consultants were contacted for a follow-up interview. The successful Consultant was Wayne Swan, Project Leader (the Consultant) from the Multiple Sclerosis (MS) Society. The review was contracted as a two-way process involving the Consultant and the City's Community Development Officer (Disability portfolio) to review and amend the current DAIP.

Consultant's Responsibilities for the Review of the City's DAIP:

1. Review existing City of Vincent DAIP (2006-2011);
2. Gather and research background information including a list of the City of Vincent's information, services and facilities;
3. Determine and implement an engagement strategy to review the DAIP. This involved: people with disability, families, carers, Service Providers, State and Federal Government agencies, City of Vincent contractors and City of Vincent staff.
4. Analyse the information gathered from the engagement strategy to identify key areas for the City;
5. Meet with relevant internal stakeholders to discuss feedback received throughout the consultation process;
6. Review the City's Access and Equity Policy;
7. Review procedures for agents and contractors reporting on DAIP requirements;

8. Identify objectives and strategies to overcome barriers;
9. Prepare monitoring, reviewing and reporting mechanisms;
10. Develop a Draft DAIP and present to the Universal Access Advisory Group (UAAG) and relevant stakeholders;
11. Community Consultation of DAIP (a minimum of 21 days);
12. Confirm Draft DAIP with relevant stakeholders;
13. Develop final DAIP and implementation plan;
14. Prepare and present the DAIP at a Council Forum briefing session;
15. Council Approval and submission to DSC; and
16. Launch of DAIP with internal staff and external contractors.

Responsibilities of the City throughout the Review Process:

1. The provision of a venue for the consultation period;
2. Assist promoting the importance and accountability of the DAIP to the City's staff;
3. Completing the action areas of the DAIP;
4. Coordination and booking of meetings with the City's internal staff and the UAAG;
5. Provide catering as required; and
6. Coordination and other support as appropriate.

The actions outlined have been underpinned by all relevant Federal and State Disability and Human Rights Legislation. In addition, all processes have been carried out in partnership with the City's internal staff and the UAAG, via direct contact and regular report updates.

The overall aim has been to involve all City of Vincent staff in the tracking and reporting processes to ensure whole organisation accountability.

CONSULTATION/ADVERTISING:

The Consultant's role was to review and build on the previous plan undertaken by the City by developing an effective communication strategy and engagement process to determine the key priorities and actions going forward for the City.

The three (3) directives from DSC when carrying-out the consultation period for the DAIP are as follows:

- Consultation is required to be undertaken with people with disability and key stakeholders;
- Public consultation must be advertised through the City of Vincent website and a period of twenty-one (21) days minimum is recommended; and
- The DAIP must be made available in alternative formats on request by a person with disability.

Consultation occurred with residents, agencies and staff in developing the DAIP, in particular with senior management and key stakeholders in the City of Vincent.

Community Consultation Strategies:

- An online survey linked to the City of Vincent homepage available between 10 April and 18 May 2012, with forty-three (43) responses;
- Telephone and email contact with over forty (40) Service Providers in the City of Vincent catchment area;
- Face to face meetings with ten (10) Service Provider representatives;
- A tailored forum for one Service Provider to include people with disability and carer staff, with twelve (12) attendees; and
- A catered Public Forum on 2 May 2012 between 10:30am-1:30pm at the Administration and Civic Centre, with three (3) attendees.

Internal Stakeholder Consultation

- All staff were informed of the DAIP consultation and invited to contribute in an internal email memo circulated; and
- A series of five (5) group consultations were held in early May involving all twenty-one (21) Directors, Managers and Supervisors of the four (4) Directorates within the City of Vincent.

Feedback Analysis

The feedback was assessed to develop emerging themes organised under the DAIP Outcome areas. These themes were developed from the combination of:

- Quantitative data collected in the online surveys;
- Qualitative data collected in free text responses of the surveys;
- Interviews with Service Providers and their clients;
- Community forum feedback; and
- Comments collected from the internal stakeholder forums.

Avenues for Community Feedback

- Attendance at one of the two drop-in sessions;
- Mail-out of a feedback form, with reply-paid option;
- Feedback form accessible on the City's website;
- Phone-in feedback; or
- Via email to Disability Services Officer.

Internal and External Consultation Analysis: Emerging Themes

1. Access to services and events provided by the City of Vincent

76% (19) of survey respondents indicated they felt included in events and functions conducted by the City of Vincent.	
Topic	Issues
Parking	<ul style="list-style-type: none"> • Location from venue • Adequacy (both standard and ACROD), at both service centres and events • Cost (at some venues) and time allowances
Signage/Orientation	<ul style="list-style-type: none"> • Indicating where facilities are located / directional signage • Lack of staff available to assist • Catering for those who have poor eyesight or limited literacy

Vision & Hearing	<ul style="list-style-type: none"> • Small printed material at forums • Needing a microphone • Printed media compliance with DSC standards
Promotion/Notification	<ul style="list-style-type: none"> • Printed notifications are hard to access or not readily found; sometimes a timing of circulation of publications issue • Events booking out • Service Providers having difficulties knowing events schedule and supports available • Limited personalised notifications
Environmental Accessibility	<ul style="list-style-type: none"> • Venues compliance with accessibility requirements; for example, building accessibility, providing solutions for uneven ground at outdoor venues • Accessibility of food vendors at events
Transport	<ul style="list-style-type: none"> • Location of public transport in relation to venues • Limited knowledge of transport support available • Difficulties being able to respond to the potential transport support demand within limited Council capacity (for example, volunteer drivers, available vehicles, available budget for taxi vouchers)

2. Access to building and facilities within the control of the City of Vincent

80% (16) of survey respondents indicated they did not experience any access issues with buildings and facilities within the control of the City of Vincent	
Topic	Issues
Physical Access Issues	<ul style="list-style-type: none"> • Inadequacy of ramping to footpaths • Inadequate ramps; in particular, at nib Stadium • Access to be adequate to accommodate larger scooters and powered wheelchairs • Accessibility impaired by relatively small barriers between otherwise accessible paths • Monitoring and enforcing footpath obstruction issues at building sites
Toilets	<ul style="list-style-type: none"> • Numbers inadequate for high volume venues (for example, Hyde Park)
Parking	<ul style="list-style-type: none"> • Distances from ACROD bays to key venues (including Administration and Civic Centre) • Inadequacy of parking (ACROD and standard)
Seating/Shelter	<ul style="list-style-type: none"> • Limitations in seating in key public venues (including seating in the foyer of the Administration and Civic Centre) • Increased shelters for ACROD parking areas and public transport stops

Promotion of Initiatives and Identification of Issues to be Addressed	<ul style="list-style-type: none"> Limited communication between Service Areas and Community Development A range of supports/initiatives are provided but not widely promoted (for example, providing ACROD parking bays and resolving access issues for individual residents)
---	--

3. Access to information provided by the City of Vincent

80% (16) of survey respondents indicated they did not experience any difficulties with accessing information provided by the City of Vincent

Topic	Issues
Format of Information Provided	<ul style="list-style-type: none"> Font and size not complying with minimum DSC standards Uploading of images onto website may not comply with W3C standards
Individuals Finding Information	<ul style="list-style-type: none"> Information to cater for specific needs, as opposed to listing by organisation and services Cater for independent access to information, and not rely excessively on contacting the Community Development Officer to receive up to date or specific information Information posted in 'The Voice' but not 'The Guardian', and so potentially missed Alternatives for individuals to access information with limited access to computers
Accessing Information in a Timely Manner	<ul style="list-style-type: none"> Identify residents who may benefit from individual mail outs/notifications No systematic procedure in place to respond to or record alternative format requests Opportunities to provide additional information in scheduled mail outs
Communicating with Service Providers	<ul style="list-style-type: none"> Assist Service Providers in supporting their clients in communicating information regarding City of Vincent

4. Access to equitable service

Topic	Issues
Activity Programs for Over 55's	<ul style="list-style-type: none"> Currently a program is only offered for 'active' over 55's
Parking Costs	<ul style="list-style-type: none"> Cost of ACROD parking at stadium events is financially difficult
Staff Training	<ul style="list-style-type: none"> Currently made available periodically, but not to a schedule Wider range of training options would be beneficial, including linking with other organisations Planning of training as part of induction process Systemic identification of training that is available Training appropriate to the staff duties and availability (for example, casual staff)

Incorporating Equity of Services into Scheduled Processes	<ul style="list-style-type: none"> • Include as agenda item at staff meetings & OHS meetings
Awareness of Equity of Services	<ul style="list-style-type: none"> • Limited communication in Council processes of positive initiatives • Limited wider advertising of positive initiatives

5. Equitable access to a complaints process

74% (14) of survey respondents indicated they have never made a complaint, or wished to make a complaint to the City of Vincent

40 % (3) of those who have made a complaint were satisfied were the response

6. Equitable opportunities to participate in public consultation

74% (14) of survey respondents indicated they have never made a complaint, or wished to make a complaint to the City of Vincent

40 % (3) of those who have made a complaint were satisfied were the response

74% (14) of survey respondents indicated they have not experienced any difficulties participating in a public consultation conducted by the City of Vincent

Topic	Issues
Options for Contributing	<ul style="list-style-type: none"> • Provision of options other than public forums • Informal options for discussing issues with Councillors or staff representatives
Venues for Consultation	<ul style="list-style-type: none"> • Precinct – based venues for enhanced relevance and convenience
Accessibility of Consultations	<ul style="list-style-type: none"> • Catering for people with accessibility issues, such as hearing, vision and seating requirements • Staff training to ensure protocols are maintained to optimise facilitation of accessibility of the consultation
Communication of Consultation	<ul style="list-style-type: none"> • Advise of supports available • Promote with local businesses

7. Access to business and services within the City of Vincent

61.6% (11) of survey respondents indicated they have experienced some difficulties with accessing businesses or services within the City of Vincent

Topic	Issues
Promoting Business Awareness	<ul style="list-style-type: none"> • Facilitate or promote training of local business staff • Promotion through the Economic Development Officer • Provision of information on access and inclusion

Promotion of Businesses Adopting Good Access and Inclusion Principles	<ul style="list-style-type: none"> • Include as criteria in tender processes • Ongoing promotion through Vincent Access Awards
Promotion of Employment of People with Disabilities	<ul style="list-style-type: none"> • Expand volunteer program • Incorporate into staff awareness training • Promote employment of people with disability within local businesses, with the City of Vincent's own employment practices serving as a positive role model
Accessibility of Business Premises	<ul style="list-style-type: none"> • Signage • Parking • Accessibility in premises • Accessibility between businesses and footpaths

Other Advertising and Community Consultation

- Accessing the results of the Disability Services Research Report 2003;
- Information gained from recent meetings and consultation with local agencies;
- Flyer advertising DAIP review and drop-in community consultation sessions;
- Notice in COV newsletter;
- Letters to local agencies inviting their comments. Also requesting promotion of information regarding DAIP review and community consultation to clients;
- Feedback from UAAG;
- Feedback from Seniors Groups; and
- Advertisement of DAIP review and options for consultation placed in the local papers.

The extensive consultation undertaken gathered a wide range of beneficial comments which covered all areas of the City's facilities and service delivery.

Submission

After the Draft DAIP (2012-2017) has been submitted to the Council Forum on 3 July 2012, it is proposed that the Draft DAIP be advertised through a second (2nd) public consultation for a period of twenty-one (21) days. Subsequent to the consultation, the final DAIP will be considered at the Ordinary Meeting of Council to be held on 28 August 2012 and then submitted to the Disability Services Commission by the end of August 2012.

LEGAL/POLICY:

The following City Policies apply to this project:

- Policy No. 4.2.12 Advisory Groups;
- Policy No. 3.10.10 Community Bus – Use and Operation;
- Policy No. 4.1.5 Community Consultation;
- Policy No. 4.1.3 Customer Service Complaints Management;
- Policy No. 5.5.2 Equal Employment Opportunity; and
- Policy No. 3.10.4 Provision of Transport Assistance for Aged People and People with Disabilities.

RISK MANAGEMENT IMPLICATIONS:

Low: as the document is used largely for internal strategy development, the risk implications are low.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 3 states:

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.4 *Continue to implement the principles of universal access*

(a) *Continue to implement the Disability Access and Inclusion Plan*

(b) *Ensure community programs are accessible and inclusive of people with disabilities*

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City listed \$15,000 for this project in the current 2011/2012 Budget.

A fee of \$13,100 + GST will be paid to the Consultant in two stages throughout the project.

This sum includes all fees associated with creating the DAIP, including all consultation, materials, insurance, transport and implementation.

Budget Amount:	\$15,000
Spent to Date:	<u>\$14,726</u>
Balance:	\$ 274

COMMENTS:

The DAIP will be a working document containing a collection of prioritised, strategic actions for the City. These actions will determine solutions for the elimination of barriers to accessibility and opportunities for residents and visitors with disability. It will also reflect the perspectives and interests of people with disability and carers.

Ultimately, a DAIP formalises the City's contribution by encouraging the development of clear positive actions and realistic targets for access and inclusion.

9.4.2 Cultural Development Seeding Grant Applications – Indigenous Music Event, North Perth and Ethnic Book Fair, North Perth

Ward:	North Ward	Date:	29 June 2012
Precinct:	All	File Ref:	FIN0155
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Campbell, Senior Community Development Officer B Grandoni, Acting Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES Cultural Development Seeding Grants as follows:

1. \$1,000 for the Perth Blues Club (WA) Inc. to host an Indigenous Music Night on 25 September 2012 from 7.30pm-12am, at the Perth Blues Club venue in North Perth; and
2. \$300 for the Ethnic Communities Council of Western Australia to hold their Spring Book Fair on 1 September 2012, 10am to 4pm.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

To seek approval for two (2) Cultural Development Seeding Grant applications.

BACKGROUND:

The City of Vincent established the Cultural Development Seeding Grants in 1997 as part of the development of the City's Community Identity Strategy. The grants are to help non-profit community groups plan and carry out community based cultural activities that express the different ways of life in the City.

Grants of up to \$1,000 are available for cultural activities or performances that help people feel that they belong to the community of Vincent. Projects must reflect some aspect of the City's culture, ethnicity, history and/or contemporary identity.

Cultural Development Seeding Grants have been received from Perth Blues Club (WA) Inc. to assist in costs associated with hosting an Indigenous Music event, and from the Ethnic Communities Council of Western Australia to assist in purchasing a collection of books for their Spring Book Fair.

DETAILS:

Indigenous Night at the Perth Blues Club

The Perth Blues Club has been based at Charles Hotel, North Perth for the past twenty (20) years. On 25 September 2012, from 7.30pm to 12am, the Club are holding an Indigenous Music Night to celebrate contemporary indigenous music, comprising a talented line-up of indigenous acts.

The night will also be a tribute night to stalwarts of US Southern and Chicago Blues, John Lee Hooker and Howling Wolf, and will be lead by indigenous musicians Patrick Woodley and Clint Bracknell.

The evening will culminate with artists returning to the stage for an ensemble improvised jam session, which is always a crowd pleaser on Club theme nights. The artists benefit from further exposure to the local community, both as indigenous members of the community and as musicians.

The night will showcase some of the latest sounds coming out of Western Australia's Indigenous community, raising awareness of the substantial contribution indigenous musicians make to the Australian music scene.

Residents will also realise that there is a local music club, running musical events on a weekly basis.

The event will be targeted to the whole community including minors who are able to attend with their parents/guardians.

Spring Book Fair – Ethnic Communities Council of Western Australia

The Ethnic Communities Council of Western Australia (ECCWA) are holding a Spring Book Fair on 1 September 2012, at which books and audio-visual materials will be available free of charge or at low cost to community members.

The event aims to support migrants and refugees by providing them with information on Australia, as well as giving 'mainstream' Australians the chance to access materials on different cultures, helping them to combat ignorance and prejudice. An additional priority is to provide Vincent residents with the opportunity to interact with people of different cultural backgrounds while selecting books.

The Ethnic Communities Council of Western Australia's (ECCWA) application is endorsed with a letter of support from John Hyde MLA. Mr Hyde's letter states that the book fair *"provides free and low cost books and electronic materials to migrants, refugees, and members of the ethnic minority groups, indigenous people and the local community."* According to Mr Hyde, feedback from the fair was overwhelmingly positive and was profiled on the 'My Language' website as an example of best practice in meeting the needs of culturally and linguistically diverse community members.

CONSULTATION/ADVERTISING:

Each event will have a range of advertising initiatives including, printed media such as newsletters, flyers and advertisements. It will be requested that the City of Vincent logo is placed on this material in recognition of the City's support along with prominent display of signage at the events and verbal acknowledgement on the day.

LEGAL/POLICY:

The applications meet the cultural requirements for a Cultural Development Seeding Grant. It is noted that the Guidelines indicate that *“Projects that are mainly for fund raising or making profits will not be funded.”* Therefore, it is proposed that for each of these projects that any funding from the City is focussed towards direct costs involved in providing the events, such as the staging, entertainment or advertising.

The allocation of Community Development Seeding Grants aligns with Policy No. 3.10.5 in relation to Donations, Sponsorship and Waiving of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS:

Low: The ECCWA Book Fair has a successful track record and is well organised with strong support from its members and the broader community. The only risk is the elements, but the time of year this event is being held should ensure minimal impact.

The Blues Club of WA have been running similar music events from the Charles Hotel successfully for twenty (20) years. The additional publicity gained as a result of partnering with the City of Vincent should ensure the event is well attended.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective three (3) states:

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing;*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*

(b) *Encourage and Promote cultural and artistic expression through the City.*

3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*

(a) *Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the City, including the development of a program for the holding of an event in each of the City's main commercial centres and develop an Annual Program of events”.*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount:	\$6,000
Spent to Date:	<u>\$1,300</u>
Balance:	\$4,700

COMMENTS:

The application by each group demonstrates a willingness to engage and build cultural and social diversity in the local community. Funding through the Cultural Development Seeding Grants will enable the provision of the community events that will bring together a broad range of the community. All the applicants have indicated that they will be providing inclusive events that will have a diverse appeal to the residents and visitors to the City of Vincent.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	29 June 2012
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of June 2012.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

BACKGROUND:

The Chief Executive Officer is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
06/06/2012	Deed of Covenant	3	City of Vincent and The Public Trustee of 565 Hay Street, Perth and C C Lam and F H Lam both of PO Box 247, Tuart Hill re: Nos. 82 and 84 Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking - State Administrative Tribunal (SAT) Review Matter No. DR296 of 2010 - <i>To satisfy Clause (f)(3) of Conditional Approval of the Ordinary Meeting of Council held on 9 November 2010</i>
07/06/2012	Transfer of Land	6	City of Vincent and Cities of Perth, Wanneroo, Joondalup, Stirling and Towns of Cambridge and Victoria Park and Purchasers (<i>Purchasers names available on request</i>) re: Lots 92, 93, 137, 146, 147 and 195 on Deposited Plan 73462 (<i>Tamala Park land</i>)

Date	Document	No of copies	Details
08/06/2012	Deed of Covenant	3	City of Vincent and C A Vasquez and M Pacecca of 10 Matlock Street, Mount Hawthorn re: No. 10 (Lot 106; D/P 2848) Matlock Street, Mount Hawthorn - Partial Demolition of and Alterations and Additions to Existing Single House - <i>To satisfy Condition (vi)(b) of Delegated Authority Decision dated 24 January 2011</i>
12/06/2012	Contract Documents	2	City of Vincent and Mrs D J Reudavey of Unit 4, Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville
26/06/2012	Deed of Variation	1	City of Vincent and Cities of Perth, Wanneroo, Joondalup, and Towns of Cambridge and Victoria Park re: Deed of Variation of Constitution Agreement of Mindarie Regional Council
26/06/2012	Contract Documents	2	City of Vincent and Ms E Ho of Unit 49, Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville

9.5.3 Medibank Stadium (Leederville Oval) Ground Management Committee - Receiving of Unconfirmed Minutes - 14 June 2012

Ward:	South	Date:	29 June 2012
Precinct:	Oxford Centre, P4	File Ref:	RES0078
Attachments:	001 - Ground Management Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Unconfirmed Minutes of the Medibank Stadium (Leederville Oval) Ground Management Committee Meeting held on 14 June 2012, as shown in Appendix 9.5.4.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Medibank Stadium (Leederville Oval) Ground Management Committee meeting held on 14 June 2012.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*
- (iii) to delegate the following functions to the Committee;*
 - (a) to determine the Clubs' rights (day-to-day) to use the facilities;*
 - (b) to consider and make representation to the Town for alternative training grounds;*
 - (c) to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of car park);*
 - (d) to establish and review Key Performance Indicators (KPIs);*

- (e) *to establish and review Risk Management Plans;*
 - (f) *to consider any request for temporary structures;*
 - (g) *to make recommendations for the maintenance of the common area;*
 - (h) *to make recommendations on Capital Improvements;*
 - (i) *to make recommendations on catering and formalise a catering policy; and*
 - (j) *to do other such things with respect to management of Leederville Oval; and*
- (iv) *the KPIs be referred back to Council for adoption."*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is the City's practice that Committee Meeting Minutes be reported to the Council.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report on the minutes of the Council's Committee meetings.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011-2016 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the City's Committee Minutes to the Council Meeting is in keeping with the *Local Government Act 1995* and its regulations.

9.5.4 Information Bulletin

Ward:	-	Date:	29 June 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 10 July 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Buckels Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 10 July 2012 are as follows:

ITEM	DESCRIPTION	
IB01	Letter from the City of Perth regarding the City of Perth City Planning Scheme No. 2 – Amendment No. 25	1
IB02	Letter from Minister for Local Government; Heritage; Citizenship and Multicultural Interests	9
IB03	Cities as Water Supply Catchments Research Program (CRS for Water Sensitive Cities)	10
IB04	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 21 May 2012	25
IB05	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 6 June 2012	30
IB06	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 20 June 2012	35
IB07	Minutes of the Tamala Park Regional Council Meeting held on Thursday 21 June 2012	40
IB08	Unconfirmed Minutes of the Britannia Reserve Masterplan Working Group Meeting held on 16 May 2012	50
IB09	Unconfirmed Minutes of the Hyde Park Lake Restoration Working Group Meeting held on 7 May 2012	53
IB10	Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 16 May 2012	56

IB11	Thank you letter from St Vincent de Paul Society (WA) Inc for the City's donation to their 2012 Winter Appeal	59
IB12	Register of Petitions – Progress Report – July 2012	61
IB13	Register of Notices of Motion – Progress Report – July 2012	62
IB14	Register of Reports to be Actioned – Progress Report – July 2012	64
IB15	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (July 2012)	72
IB16	Register of State Administrative Tribunal Appeals – Progress Report – July 2012	74
IB17	Register of Applications Referred to the Design Advisory Committee – June 2012	75
IB18	Register of Applications Referred to the MetroWest Development Assessment Panel – June 2012	79
IB19	Notice of Forum – 17 July 2012	80

9.1.1 No. 83 (Lot 283; D/P: 3642) The Boulevard, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single House

Ward:	North	Date:	29 June 2012
Precinct:	Mount Hawthorn, P1	File Ref:	PRO5697; 5.2012.108.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Supporting Justification		
Tabled Items	Applicant's Submission		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Lorimer Homes Pty Ltd on behalf of the owner M G Begg & S L Crawford- Begg for Proposed Demolition of Existing Single House Construction of Two Storey Single House, at No. 83 (Lot 283; D/P: 3642) The Boulevard, Mount Hawthorn, and as shown on amended plans stamp-dated 21 June 2012, due to the following reasons:

1. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the City's Policy No 3.2.1 relating to Residential Design Elements, with regard to the following Clauses:**
 - 1.1 **SADC 5 and SPC 5 "Street Setbacks" relating to the setbacks of the ground and upper floors;**
2. **The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:**
 - 2.1 **to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment; and**
 - 2.2 **to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –**
 - 2.2.1 **recognises the individual character and need of localities within the Scheme zone area; and**
 - 2.2.2 **can respond readily to change; and**
3. **The proposed two storey single house would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

COUNCIL DECISION ITEM 9.1.1

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-2)

For: Mayor Hon. MacTiernan, Cr Maier, Cr McGrath, Cr Topelberg, Cr Wilcox

Against: Cr Buckels, Cr Pintabona

(Cr Carey and Cr Harley on approved leave of absence.)

ADDITIONAL INFORMATION:

The applicant has furnished further justification for the assessment of the application, including a streetscape diagram of the Mount Hawthorn area which denotes forty five (45) examples of recently approved dwellings which vary the front setback. These examples have been provided to note that the City has previously exercised discretion for other dwellings which propose a two storey façade. Whilst this has been the case, each application is assessed on their own individual merit and how they fit into the streetscape.

The applicant has also provided two perspectives of the proposed dwelling along The Boulevard and the changes that have been made to the original front façade of the dwelling. It is noted however, as the development proposes variations to the lower floor setback (garage) and upper floor setback and this section of The Boulevard contains a predominately intact single storey streetscape, the Officer's recommendation remains unchanged.

Neighbour consultation was undertaken in relation to the proposed front setback, upper floor setback and visual privacy variations. Two (2) objections were received during this period, with Three (3) comments of support received outside of the Community Consultation period. One (1) additional comment has been received from an objector, noting a support to the amendments that have been made to the original design and the two storey nature of the development but not rescinding the original objection. The updated Table denoting this is shown below:

PURPOSE OF REPORT:

The applicant has requested the item be considered by the Council.

BACKGROUND:

There is no specific background to the application.

Previous Reports to Council:

Nil.

DETAILS:

The proposal involves the demolition of the existing single storey dwelling and the construction of a two (2) storey residential dwelling. The proposed dwelling is located in a predominantly single storey streetscape comprising dwellings of a consistent age and styles.

The applicant has amended the design of the dwelling following the conclusion of the Community Consultation period and discussions with the City's Officer's in the following ways as a means of gaining approval.

- *Ground Floor*
 - a) Amending the front setback of the garage from 4.0 metres to 5.0 metres;
 - b) Reconfiguring the size and setback of the front porch from 4.5 metres to 6.2 metres; and
 - c) Increase of the front setback of the dwelling from 7.604 metres to 8.064 metres.

- *Upper Floor*
 - a) Amending the upper floor (Bed 1) to be setback from 3.7 metres to 4.75 metres from the front of the property; and
 - b) Amending the upper floor balcony to be reconfigured in width and length to be setback 6.25 metres from the front of the property.

- *Design Changes*
 - a) Reduced the height and bulk of the two storey parapet wall section on the southern side of the front of the dwelling and reconfigured the front elevation;
 - b) Removed the solid wall to the southern side of the balcony and replaced it with glass balastrading;
 - c) Reduced the height of the garage parapet wall section at the front of the property on the northern side of the dwelling; and
 - d) Included a highlight window to the northern side of Bedroom 1 on the upper floor.

Landowner:	M G Begg & S L Crawford-Begg
Applicant:	Lorimer Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment:

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Front Setbacks
Requirement:	Residential Design Elements Policy SADC 5 Front Setback: Lower: Garage – 6.0 metres (0.5 metres behind average front setback) Upper Balcony: 6.5 metres Upper Dwelling: 7.5 metres
Applicants Proposal:	Front Setback: Lower: Garage – 5.0 metres (In front of ground floor) Upper Balcony: 6.25 metres Upper Dwelling: 4.75 metres

Issue/Design Element:	Front Setbacks
Performance Criteria:	<p>Residential Design Elements Policy SPC 5 <i>Development is to be appropriately located on site to:</i></p> <ul style="list-style-type: none"> • <i>Maintain streetscape character;</i> • <i>Ensure the amenity of neighbouring properties is maintained;</i> • <i>Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</i> <i>Facilitate solar access for the development site and adjoining properties;</i> • <i>Protect significant vegetation; and</i> • <i>Facilitate efficient use of the site.</i> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>The reduced setbacks do not affect the amenity of both immediate neighbours as neighbour's privacy, sunlight and ventilation are not affected by the reduced setback, Adequate landscaping area is maintained to the front of the property amounting to approximately 16.0m², which allows for significant and established vegetation to be planted to maintain a front garden.</i></p>
	<p><i>The reduced setbacks provide the most efficient use of the site. Typically front setback areas are not high use or high value areas for a dwelling and the predominance of living and recreation occurs in the rear yard. The reduced setbacks proposed are aimed at maximising the available rear yard on a relatively small lot, and the upper level has been designed with a high degree of articulation to offset any bulking or massing issues associated with two storey development.</i></p> <p><i>We consider that we have demonstrated a significant level of precedent within the area to support the reduced setbacks and demonstrated that the reduced setbacks will not have an adverse impact on our neighbours.</i></p>

Officer technical comment:	<p>The proposed development is not considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> • A site inspection of the property and an assessment of the existing properties along both sides of The Boulevard, between Ashby and Berryman Street has identified there are seven (7) existing properties with two (2) storeys. The majority of these dwellings have a single storey section at the front of the property with a two storey section at the rear. One (1) of these properties has a two storey balcony which extends directly over the lower floor. There are no distinct examples, however of contemporary dwellings of a similar scale and design as the subject development. • It is also noted along the western side of the street (18 dwellings), almost all of the dwellings have a very similar front setback of approximately 6.0 metres. • The subject dwelling abuts a number of single storey dwellings within this area of The Boulevard, and the bulk and scale of the development will alter not only the predominant character of the street but reduce the availability of light and ventilation to the adjoining properties. In light of these streetscape characteristics, any proposal on the property should closely adhere to the setback requirements of the policy, with a garage located 0.5 metres behind the front portion of the dwelling, the upper floor balcony, 1.0 metres behind the lower floor and the dwelling section, 2.0 metres behind the lower floor. It is therefore considered the proposal for the upper storey directly above the lower floor garage will reduce the existing intact streetscape character.
----------------------------	--

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.3.1 Acceptable Development Criteria:</p> <p><u>First Floor</u> Southern (Balance) – 3.7 metres</p>
Applicants Proposal:	<p><u>First Floor</u> Southern (Balance) – 1.8 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy between adjoining

Issue/Design Element:	Building Setbacks
	properties.
Applicant justification summary:	<p><i>Overshadowing is compliant for the dwelling thereby ensuring adequate sunlight to the neighbour's property, Ventilation to the neighbour's property is not impinged as a result of the minor setback variation as adequate draft-ways are maintained with the proposed 1.76m setback, and an overall separation of 3.66m between the two dwellings, and The proposed dwelling height (wall and roof) is Design Code compliant also ensuring that the new dwelling will not dominate the neighbour's property.</i></p>

Officer technical comment:	<p>The proposed development is not considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The design and siting of the upper floor to the front of the lower floor area, results in a substantial reduction of northern sunlight and ventilation being afforded to the adjoining single storey dwelling to the south of subject property. In addition, the location of the upper floor results in additional building bulk to the surrounding dwellings and to the street. The setting back of the upper floor in compliance with the City's Residential Design Elements requirement would significantly reduce the bulk to the adjoining property and allow for the amelioration of sunlight and ventilation as well as bulk. • The inclusion of a light weight screen to the balcony along this façade would allow for the retention of privacy between both property owners, and near compliance with the setback requirements of the Residential Design Codes (1.9 metres required). However if a solid screen was added it would contribute to the overall building bulk along this façade.
----------------------------	---

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Clause 7.4.3 BDADC 3 Roof Pitch to be 30 - 45 degrees
Applicants Proposal:	25 degrees
Performance Criteria:	<p>Residential Design Elements Clause 7.4.3 BDPC 3 The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • <i>It does not unduly increase the bulk of the building;</i> • <i>In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</i> • <i>It does not cause undue overshadowing of adjacent properties and open space.</i>

Applicant justification summary:	<i>The proposed dwelling seeks a roof pitch of 25 degrees whereas Council's Residential Design Elements Policy promotes a roof pitch of 30-45 degrees. The pitch variation is considered minor and is not considered to detract from the appearance of the dwelling or the streetscape. The minor pitch variation is not too dissimilar from Council's Policy and is considered to be undiscernible to most passers-by. The dwelling height and roof height are compliant thereby ensuring bulk and scale are adequately addressed and the roof form (pitched roof) is reflective of the predominance of dwellings in the area thereby maintaining the streetscape amenity. For these reasons the roof pitch variation is considered suitable and meets the performance criteria of Council's Policy.</i>
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance for the following reasons: <ul style="list-style-type: none"> • It is considered the roof form is of a standard pitched roof design and does not affect the recognised pitched roof streetscape character along this area of The Boulevard in which the predominant roof pitch is between 25 degrees to 35 degrees. • It is considered the roof form is compliant with the intent of the policy and maintains a pitched roof design in compliance with the City's Policy.

Issue/Design Element:	Privacy
Requirement:	Residential Design Codes Clause 6.8.1 A1 Front Balcony – Cone of Vision privacy setback of 7.5 metres (South)
Applicants Proposal:	Front Balcony – Cone of vision setback to south of 2.8 metres
Performance Criteria:	Residential Design Codes Clause 6.8.1 P1 <i>P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</i> <i>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</i> <i>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</i> <i>Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.</i>
Applicant justification summary:	Nil
Officer technical comment:	Not supported. The proposed balcony has the propensity to overlook the adjoining property behind the front setback and in the event of an approval, will be conditioned to comply.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Comments Period:	27 March 2012 to 13 April 2012.
Comments Received:	Neighbour consultation was undertaken in relation to the proposed front setback, upper floor setback and visual privacy variations. Two (2) objections were received during the Community Consultation period, with Three (3) comments of support received outside of the Community Consultation period and One (1) comment received from an objector noting the amendments that have been made to the original design and supporting the two storey design but not rescinding the objection. The following table is a summary of the comments received.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Scale and Setbacks</p> <ul style="list-style-type: none"> The dwelling will impact the adjoining properties provision of direct sun and ventilation. 	<p>Support. The proposed siting of the upper floor directly over the ground floor and the overall scale of the development will add to bulk imposed and limit the ability of the adjoining property to be provided with sunlight and ventilation; hence the proposal does not comply with the Performance Criteria or Acceptable Development Provisions of the Residential Design Codes.</p>
<p>Issue: Streetscape</p> <ul style="list-style-type: none"> The development is not in keeping with the existing streetscape. The development should comply with the required setbacks as per the applicable standards. Concern in relation to the front elevation being dominated by the proposed double garage, which appears to be too close to the front and out of keeping with the existing street architecture. Concern in relation to the proposed upper setback and the non compliance with the City's requirements. It is noted also several dwellings in the street have a second storey well setback from the lower floor. 	<p>Supported. It is noted the proposed front setback does not comply with the provisions of Clause SADC 5. <i>Street Setbacks</i> of the City's Policy 3.2.1 relating to Residential Design Elements, as the proposed garage is set forward of the remainder of the ground floor and the upper storey is located directly above the lower floor garage.</p> <p>It is further noted that along the western side of The Boulevard, the majority of dwellings are of a single storey nature, and therefore a dwelling which proposes the upper floor directly above the lower floor does not comply with the performance criteria of the City's Policy in relation to Residential Design Elements.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The design does not respond to the northern aspect of the site to the side of the lot. The design has limited ventilation given its proximity to side boundaries.	

SOCIAL	
Issue	Comment
The proposed dwelling will have a negative impact on the amenity of the intact streetscape along The Boulevarde.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In view of the assessment as outlined above, the proposal does not meet the intent of the City's Policy 3.2.1 relating to Residential Design Elements Clause SADC 5 *Street Setbacks*, whereby the existing nature of The Boulevarde (in the street block bounded by Berryman and Ashby Street) is one of a mainly consistent single storey streetscape where two storey dwellings are present (seven (7) existing), the upper storey is well setback from the front of the property. On this basis, the proposal is considered inconsistent with the existing intact streetscape and which it is considered upon approval, would result in a detrimental impact on the street.

In light of the above, it is recommended the proposal be refused for the above mentioned reasons.

Technical Services

Technical Services advise that in the event of that the application is supported by the City, the applicant would be required to submit an amended site plan which denotes compliance with visual truncations, notes the distance from the existing street tree to the proposed crossover and the removal of any redundant verge. It is further noted that a crossover application would be required to be submitted and approved prior to the issuing of a Building Permit.

9.1.3 Amendment No. 92 to Planning and Building Policies – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties; No. 3.6.2 relating to Heritage Management – Assessment; Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage; and Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	PLA0238
Attachments:	001 – Amended Policy No. 3.6.1 002 – Amended Policy No. 3.6.2 003 – Amended Policy No. 3.6.4 004 – Amended Policy No. 3.6.5 005 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended versions of the Local Planning Policies relating to Heritage Management, as shown in Appendix 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D in accordance with Clause 47(5)(b) of Town Planning Scheme No. 1, having reviewed the four (4) written submissions received during the formal advertising period and outlined in the Summary of Submissions as shown in Appendix 9.1.3E in accordance with Clause 47(3), (4) and (5) (a) of the City of Vincent Town Planning Scheme No. 1; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended versions of the Local Planning Policies relating to Heritage Management as shown in Appendix 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D in accordance with Clause 47(6) of Town Planning Scheme No. 1.

Moved Cr Topelberg, **Seconded** Cr Maier

That the recommendation, together with the following change(s), be adopted:

“That clause 1 be amended to read as follows:

1. **ADOPTS** the final amended versions of the Local Planning Policies relating to Heritage Management, as shown in Appendix 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D in accordance with Clause 47(5)(b) of Town Planning Scheme No. 1, **subject to Policy No. 3.6.4 relating to Heritage Management – Assessment being amended to ensure that cross references in clauses 2.2, 2.3 & 2.4 are correct**, having reviewed the four (4) written submissions received during the formal advertising period and outlined in the Summary of Submissions as shown in Appendix 9.1.3E in accordance with Clause 47(3), (4) and (5) (a) of the City of Vincent Town Planning Scheme No. 1; and”

Debate ensued.

Cr McGrath departed the Chamber at 6.42pm

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Carey and Cr Harley on approved leave of absence.)

(Cr McGrath was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 9.1.3

That the Council;

1. **ADOPTS** the final amended versions of the Local Planning Policies relating to Heritage Management, as shown in Appendix 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D in accordance with Clause 47(5)(b) of Town Planning Scheme No. 1, subject to Policy No. 3.6.4 relating to Heritage Management – Assessment being amended to ensure that cross references in clauses 2.2, 2.3 & 2.4 are correct, having reviewed the four (4) written submissions received during the formal advertising period and outlined in the Summary of Submissions as shown in Appendix 9.1.3E in accordance with Clause 47(3), (4) and (5) (a) of the City of Vincent Town Planning Scheme No. 1; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended versions of the Local Planning Policies relating to Heritage Management as shown in Appendix 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D in accordance with Clause 47(6) of Town Planning Scheme No. 1.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the consultation for Amendment No. 92 relating to the proposed amendments to the following Local Planning Policies and to seek final endorsement of the amended Policies.

- Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties;
- Policy No. 3.6.2 – Heritage Management – Assessment;
- Policy No. 3.6.4 – Heritage Management – Interpretive Signage; and
- Policy No. 3.6.5 – Amendments to the Municipal Heritage Inventory (MHI).

BACKGROUND:

The abovementioned policies have been reviewed in response to discussions held at the City's Local History and Heritage Advisory Group, and through comments received from Council Members at a Council Member Forum on the 20 March 2012, particularly with respect to clarification on differentiating the management and planning provisions associated with heritage listed properties that are assigned a Management Category A – Conservation Essential or Management Category B – Conservation Recommended. The Policies have been further amended in response to the comments received during the public comment period.

History:

Date	Comment
21 December 2005	The Council adopted Policy No. 3.6.4, relating to Heritage Management – Interpretive Signage; Policy No. 3.6.5, relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI); and Policy No. 3.6.2, relating to Heritage Management – Assessment.
27 June 2006	The Council adopted the Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

Date	Comment
22 July 2008	The Council adopted amended versions of Policy No. No. 3.6.4, relating to Heritage Management – Interpretative Signage; Policy No. 3.6.5, relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI); and Policy No. 3.6.2, relating to Heritage Management – Assessment.
13 July 2010	The Council adopted the amended version of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties.
6 October 2011	The concept of Heritage Plaques was discussed at the City’s Local History and Heritage Advisory Group, where it was agreed that the necessary administrative framework was to be put in place to promote and enable a dedicated Heritage Plaques and Interpretation Program for Places of Interest in the City.
20 December 2011	The Council approved the demolition of No. 590 Newcastle Street, West Perth, which was listed on the City’s Municipal Heritage Inventory as a Management Category B – Conservation Recommended.
28 February 2012	The Council deferred the advertising of the City’s Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage and the City’s Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) to be considered at the Council Member Forum on 20 March 2012.
20 March 2012	The City’s Officers provided an overview at the Council Member Forum on the City’s Municipal Heritage Inventory and more specifically the City’s Policies relating to Heritage Management.
24 April 2012	The Council resolved to advertise the City’s Policies No. 3.6.1, No. 3.6.2, No. 3.6.4 & No. 3.6.5 relating to Heritage Management for public comment, in accordance with the clause 47 of the City’s Town Planning Scheme No. 1.
22 May 2012	The City received a letter from the Department of Sustainability, Environment, Water, Population and Communities, advising that the City was successful in its grant application for the City’s Heritage Plaque Program.
25 June 2012	Photo shoot held at the site of the former Premier Theatre Site on the corner of Stirling Street and Bulwer Street, Perth, to recognise the installation of the first plaque as part of the Heritage Plaques Program.

Previous Reports to Council:

The Council at its Ordinary Meeting held on 24 April 2012, approved the advertising of the City’s Policies No. 3.6.1, No. 3.6.2, No. 3.6.4, & No. 3.6.5 relating to Heritage Management. The minutes of this Agenda Item No. 9.1.3 can be viewed from the following link to the City’s website:

<http://www.vincent.wa.gov.au/files/52446585-c781-44b8-9430-a03700d7c03b/20120424.pdf>

DETAILS:

The proposed changes to the City’s Local Planning Policies No. 3.6.1, No. 3.6.2, No. 3.6.4, & No. 3.6.5 relating to Heritage Management, are outlined in detail in the minutes of the Ordinary Meeting of Council held on the 24 April 2012. Following the advertising period, the following further amendments to the Policies have been proposed, which are summarised below, and shown in strike-through and underline in the policies attached to this Agenda Report. In addition to these changes, all Policies have been amended to remove the roman numeral numbering and replace with standard numbering.

Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties

- A minor amendment has been made to Table 1 of the Policy to include that essential or emergency maintenance of a public utility infrastructure is exempt from requiring planning approval.

Policy No. 3.6.2 – Heritage Management – Assessment

- Table 1 of the Policy has been amended to provide greater clarification on how historical information will be made available to the public, for places that do not meet the threshold for entry onto the Municipal Heritage Inventory.
- Clause 6.3 of the Policy has been amended to provide reference to clause 24 of the City's Town Planning Scheme No. 1, which outlines the process to designate a Heritage Area, pursuant to the Scheme.

Policy No. 3.6.4 – Heritage Management – Interpretive Signage

- Clauses Part One 2.3 and 4.2 of the Policy have been amended to provide greater emphasis to require historical information being submitted to the City for places where planning approval for demolition has been supported, for archival purposes.
- Clause Part Two 2.1 of the Policy has been amended to clarify that a nomination from an applicant for a heritage plaque that is not the land owner of the subject place of interest, will not result in any cost liability being placed on the owner.
- Clause Part Two 3.1 has been amended to note that a minimum of 50 per cent will be contributed by the City and also to allow for the City to make contributions above 50 per cent by the City on a case by case basis.

Policy No. 3.6.5 – Amendments to the Municipal Heritage Inventory (MHI)

- Clause 1.2 of the Policy has been amended to provide greater clarity to land owners, with respect to the outcomes of a heritage assessment in situations whereby the Chief Executive Officer has exercised the discretion to not proceed with the nomination for a place onto the City's Municipal Heritage Inventory. Clause 1.2 has also been amended to refer to clause 41 of the City's Town Planning Scheme No. 1 which outlines the process for determining a planning application for demolition.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

The four (4) amended heritage policies were advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days between 15 May 2012 – 13 June 2012.

Consultation Type: Four adverts were placed in the local paper, a notice was placed on the on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, Precinct Groups, tabled at the Local History and Heritage Advisory Group, letters to the State Heritage Office, the Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of four (4) submissions were received during the four week consultation period.

A summary of the comments received in the submissions and an Officer Response to the comments received is outlined in the Summary of Submissions attached to this report. Overall the City's Officers supported the recommendations provided in the submissions and amended the Policies accordingly, as outlined in the 'Details' section of this report.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Consultation Policy 4.1.5; and
- Heritage Act 1990.

RISK MANAGEMENT IMPLICATIONS:

Medium: Proving a sound approach to heritage management is important to ensure transparency in the planning process and greater certainty for applicants and land owners.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objectives 1.1.1 and 1.1.2 state:

"Natural and Built Environment

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

The City's Heritage Strategic Plan 2007-2012 Key Result Area One – Community and Heritage states:

"Educating, Promoting and Celebrating Vincent's Heritage".

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
The amended final versions of the City's Policies relating to Heritage Management serve to promote the City's commitment to environmental sustainability outcomes being achieved through the adaptive re-use of the City's existing building stock and the reduction in the waste of building material associated with full demolition and redevelopment.	

SOCIAL	
Issue	Comment
The amended final versions of the City's Heritage Policies serve to promote and celebrate the City's heritage and sense of place, particularly through the proposed Heritage Plaques and Interpretation Program.	

ECONOMIC	
Issue	Comment
The amended final versions of the City's Heritage Policies assist in the conservation and retention of the City's heritage places, which contribute to the economic vibrancy of the City's Town Centres and recognised valued character of the City's residential streets.	

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

Town Planning Scheme Amendments and Policies

Budget Amount: \$ 80,000
Spent to Date: \$ 0
Balance: \$ 80,000

Expenditure to implement the Heritage Plaques Program will be incurred under the following budgeted item:

Heritage Plaques

Budget Amount: \$10,000
Spent to Date: \$ 0
Balance: \$10,000

COMMENTS:

It is considered that final versions of the Policies relating to Heritage Management attached to this report, will achieve the following key outcomes:

- Provide greater clarification between the planning requirements for places on Management Category A – Conservation Essential and Management Category B – Conservation Recommended;
- Provide greater clarification for what constitutes entry onto the City's Municipal Heritage Inventory (Heritage List) as a Management Category A – Conservation Essential or a Management Category B – Conservation Recommended, in terms of cultural heritage significance;
- Provide a framework to enable the situation to support the demolition of a heritage listed property identified as Management Category B – Conservation Recommended, against set criteria;
- Provide a framework to recognise historic sites, which retain no physical evidence above ground to be identified in the urban landscape through a plaque or an alternative form of interpretation;
- Enable a procedure for the consideration for Heritage Areas, being identified in the City of Vincent; and
- Ensure that all the City's Policies relating to Heritage Management are appropriately cross-referenced.

In light of the above justification, it is recommended that the Council adopt the final versions of the amended Policies relating to Heritage Management in accordance with the Officer Recommendation.

9.1.2 Nos. 26 & 28 (Lots 3 & 4; D/P: 3858) Haynes Street, North Perth – Proposed Subdivision

Ward:	North	Date:	29 June 2012
Precinct:	North Perth, P8	File Ref:	146099; PRO5734; 7.2012.20.1
Attachments:	001 – Property Information Report and Subdivision Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS REFUSAL** of the application to the Western Australian Planning Commission (WAPC) submitted by Cottage & Engineering Surveys on behalf of the owner Taylor Made Paving (WA) Pty Ltd for the proposed Subdivision, at Nos. 26 & 28 (Lots 3 & 4; D/P: 3858) Haynes Street, North Perth, and as shown on plans stamp-dated 17 May 2012, for the following reasons:

1. The subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and
2. The non compliance with the City’s Policy No. 3.4.6 relating to Residential Subdivisions, which requires that subdivision of an existing lot down the middle will only be considered where it will result in new lot widths consistent with more than 50 per cent of lots within the immediate street block.

Cr McGrath returned to the Chamber at 6.55pm

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-4)

For: Mayor Hon. MacTiernan, Cr McGrath, Cr Pintabona

Against: Cr Buckels, Cr Maier, Cr Topelberg, Cr Wilcox

(Cr Carey and Cr Harley on approved leave of absence.)

REASON FOR REFUSAL:

1. The Development Application meets the performance criteria for Policy No. 3.4.6.
2. The widths of the proposed Lots is considered acceptable.

ALTERNATIVE RECOMMENDATION

Moved Cr Maier, Seconded Cr Buckels

“That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **RECOMMENDS APPROVAL** of the application to the Western Australian Planning Commission (WAPC) submitted by Cottage & Engineering Surveys on behalf of the owner Taylor Made Paving (WA) Pty Ltd for the proposed Subdivision, at Nos. 26 & 28 (Lots 3 & 4; D/P: 3858) Haynes Street, North Perth, and as shown on plans stamp-dated 17 May 2012, subject to the following reasons:

1. If any portion of the existing building(s) is to be demolished to facilitate the proposed amalgamation, Planning Approval and/or Demolition Licence is to be obtained from the City for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the City;
2. The land being filled and/or drained at the subdivider's cost to the satisfaction of the City and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the City of Vincent;
3. The City accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/ owner(s) shall ensure that all services are identified prior to submitting a Building Permit application and that the cost of any service relocations is to be borne by the applicant/owner(s);
4. All stormwater produced on the subject land shall be retained on site to the satisfaction of the City's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Permit;
5. Support of the subdivision is not to be construed as support of any development on the proposed lots;
6. All stormwater produced on the subject land shall be retained on site to the satisfaction of the City's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Permit;
7. No street verge tree(s) shall be removed. The street verge tree/s is to be retained and protected from any damage including unauthorized pruning;
8. Approval from the local government will be required prior to the construction of crossovers; and
9. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this subdivision."

ALTERNATIVE RECOMMENDATION PUT AND CARRIED (4-3)

For: Cr Buckels, Cr Maier, Cr Topelberg, Cr Wilcox
Against: Mayor Hon. MacTiernan, Cr McGrath, Cr Pintabona

(Cr Carey and Cr Harley on approved leave of absence.)

ADDITIONAL INFORMATION:

It is noted the City has received advice from the Western Australian Planning Commission (WAPC) regarding Scheme Amendment No. 31 which affects the subject property. Therefore the following is noted and added to the comments provided in the report:

City of Vincent Town Planning Scheme No. 1

The City is currently undertaking a Scheme Amendment to remove clause 20(4)(c)(ii) and 20(4)(h)(i) from the Town Planning Scheme No. 1, to maintain the R20 zoning in parts of the North Perth Precinct and Mount Hawthorn Precinct. Based on the consultation, the majority of the community is supportive of the R20 zoning. It is noted that in the Draft Town Planning Scheme documentation the City will be recommending maintaining the existing R20 zoning

within parts of this locality, with the exception of London Street which is considered capable of zonings greater than R20.

The amendment was adopted for final approval by the Council on 13 March 2012 and forwarded to the Western Australian Planning Commission (WAPC) to request the Minister for Planning to adopt the amendment for final approval. The matter was considered at the WAPC's Statutory Planning Committee on 26 June 2012. The formal advice from the WAPC dated 3 July 2012, stated that the Minister has decided not to approve the above amendment until such time as the following modification is effected:

- (a) *Retaining Clauses 20(4)(c)(ii) and 20(4)(h)(i) and changing the date referred to in both clauses to 29 March 2013.*

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the property is located in the Scheme Amendment No. 31 area (former Eton Locality) whereby any development or subdivision applications located within the subject area received during the identified interim period are to be referred to the Council for its consideration and determination.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the subdivision of the existing two (2) subject lots into three (3) green title residential lots. The three (3) proposed lots are each 416m² in area, which is compliant with the site area requirements of Residential R30/40, of the Residential Design Codes.

It is noted as the properties are located within the Scheme Amendment No. 31 area, the application is to be assessed using the requirements of the current density code, that is R30 for land formerly coded R20 within the Mount Hawthorn Precinct, and R30/40, for land formerly coded R20 within the North Perth Precinct.

Landowner:	Taylor Made Paving (WA) Pty Ltd
Applicant:	Cottage & Engineering Surveys
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	624 square metres each lot
Access to Right of Way	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Subdivisions Initial Assessment:

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		N/A
Lot Configuration and Subdivision Pattern	N/A		✓

Issue/Design Element:	Lot Configuration and Subdivision Pattern
Requirement:	ADC 3:Lot Configuration and Subdivision Pattern (a) The lot configuration and subdivision pattern are to reflect the existing predominant subdivision pattern of the immediate street block the subject property is located, in terms of layout and orientation.
Applicant's Proposal:	Side by Side, three (3) lot development with widths of 11.18 metres, 11.17 metres and 11.17 metres respectively.
Performance Criteria:	PC 3. Lot Configuration and Subdivision Pattern (i) The lot configuration and subdivision pattern does not have an undue impact on the streetscape and surrounding amenity. (ii) The lot configuration and subdivision pattern enable future development to be developed in an energy efficient and environmentally sustainable way.
Applicant and owner justification summary:	Nil
Officer technical comment:	Not Supported. The subdivision proposes a side by side lot configuration. The majority of lots along this section of Haynes Street are of a width of 16.7 metres or greater; the proposed lots are of a width of 11.18 metres. It is therefore considered the lot configuration is not consistent with the existing streetscape.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
--------------------------	----	-------------------------------------	----

No community consultation is required for subdivision applications.

Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and City's Policy No. 3.4.6 relating to Residential Subdivisions.

RISK MANAGEMENT IMPLICATIONS:

Should the Council recommend refusal of the subdivision application, the Western Australian Planning Commission (WAPC), as the determining authority will make the decision on the application. Should the applicant wish to have the decision reviewed, in the event of a refusal by the WAPC, they are able to do so in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The proposal for lots of a smaller size which is consistent with urban consolidation principles. North is located to the rear of these properties and given the proposed reduction in lot size it will reduce the area for northern light for each dwelling.	

SOCIAL	
Issue	Comment
This proposal will provide for smaller households within the City which are anticipated to grow in the future but it would result in a detrimental impact to the streetscape and local amenity.	

ECONOMIC	
Issue	Comment
The construction of any future buildings on site and demolition of the existing dwellings will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

City of Vincent Town Planning Scheme No. 1

The City is currently undertaking a Scheme Amendment to remove clause 20(4)(c)(ii) and 20(4)(h)(i) from the Town Planning Scheme No. 1, to maintain the R20 zoning in parts of the North Perth Precinct and Mount Hawthorn Precinct. Based on the consultation, the majority of the community is supportive of the R20 zoning. It is noted that in the Draft Town Planning Scheme documentation the City will be recommending maintaining the existing R20 zoning within parts of this locality, with the exception of London Street which is considered capable of zonings greater than R20.

The amendment was adopted for final approval by the Council on 13 March 2012 and forwarded to the Western Australian Planning Commission (WAPC) to request the Minister for Planning to adopt the amendment for final approval. The matter was considered at the WAPC's Statutory Planning Committee on 26 June 2012. The formal advice from the WAPC dated 3 July 2012, stated that the Minister has decided not to approve the above amendment until such time as the following modification is effected:

- (a) *Retaining Clauses 20(4)(c)(ii) and 20(4)(h)(i) and changing the date referred to in both clauses to 29 March 2013.*

City of Vincent Policy 3.4.6 relating to Residential Subdivisions

Under the provisions of the above policy, the new lot configurations are to reflect the existing predominant subdivision layout of the immediate street block the subject property is located, in terms of layout and orientation. This portion of Haynes Street, between Eton and Auckland Street, on the northern side of the street contains six (6) properties, the majority are of a width of 16.7 metres. The proposed subdivision of the existing two (2) lots, into three lots, proposes a reduced street frontage of 11.17 -11.18 metres for each lot.

In light of the variations to Lot Configuration and Subdivision Pattern, the proposed subdivision is recommended for refusal to the Western Australian Planning Commission.

**9.1.5 Planning and Building Policy Amendment No. 98 to Appendix No. 19 –
Leederville Masterplan Built Form Guidelines**

Ward:	South Ward	Date:	29 June 2012
Precinct:	Oxford Centre (P4)	File Ref:	PLA0186
Attachments:	001 – Amended Appendix No. 19 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Local Planning Policy Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines, as shown in Appendix 9.1.5 (Attachment 001) in accordance with Clause 47(5)(b) of Town Planning Scheme No. 1, having reviewed the 14 written submissions received during the formal advertising period and outlined in the Summary of Submissions, as shown in Appendix 9.1.5 (Attachment 002), in accordance with Clause 47(3), (4) and (5)(a) of the City of Vincent Town Planning Scheme No. 1; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Local Planning Policy Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines, as shown in Appendix 9.1.5 (Attachment 001), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

That clause 1 be amended to read as follows:

- “1. **ADOPTS** the final amended version of Local Planning Policy Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines, as shown in Appendix 9.1.5 (Attachment 001) in accordance with Clause 47(5)(b) of Town Planning Scheme No. 1, having reviewed the 14 written submissions received during the formal advertising period and outlined in the Summary of Submissions, as shown in Appendix 9.1.5 (Attachment 002), in accordance with Clause 47(3), (4) and (5)(a) of the City of Vincent Town Planning Scheme No. 1, subject to the following amendment being made; and

“1.1 Section 4.3 Environmental Sustainability be amended to read as follows:

All new developments are required to demonstrate best practice ecologically sustainable design by achieving a minimum of 4 star ‘best practice’ under the Green Building Council of Australia (GBCA) rating system. Identified icon buildings and proposed developments that will be easily recognised within the community for their significant relative scale, architectural form, cultural value, social program or any other memorable feature are required to achieve a minimum 5 star GBCA rating for office developments and 4 star Green Building Council of Australia GBCA rating for residential developments.”; and”

AMENDMENT PUT AND LOST (1-6)

For: Cr Maier

Against: Mayor Hon. MacTiernan, Cr Buckels, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

(Cr Carey and Cr Harley on approved leave of absence.)

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the consultation for Amendment No. 98 – Appendix No. 19 of the Planning and Building Policy Manual relating to the Leederville Masterplan Built Form Guidelines.

BACKGROUND:

Appendix No. 19 of the Planning and Building Policy Manual relating to the Leederville Masterplan Built Form Guidelines is a local planning policy that guides the development within the Leederville Masterplan area. Following a decision by the Council on 27 March 2012, the City advertised the amended Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines in accordance with Clause 47 of the City of Vincent Town Planning Scheme.

History:

Date	Comment
July 2007	The then Town of Vincent releases a consultation brochure on the Leederville Masterplan, requesting comments from the community on the redevelopment of Leederville.
16 March 2009	The Council adopted the Leederville Masterplan Built Form Guidelines.
23 February 2010	The Council adopted the Built Form Guidelines as a Local Planning Policy known as Appendix No. 19 and resolved to amend Precinct Policy 3.1.4 – Oxford Centre Precinct to remove the area within the Leederville Masterplan.

Date	Comment
11 October 2011	The Council resolved for Planning Consultants Hames Sharley to amend the Built Form Guidelines, including the removal of all graphics and text that depict a connection through the existing property between Oxford Street and The Avenue Car Park. The Council also resolved that the text be amended to state that an 'pedestrian connection from Oxford Street would be desirable.'
27 March 2012	The Council resolved to terminate the City's contract with the Planning Consultants Hames Sharley to amend the Leederville Town Centre Masterplan and Built Form Guidelines and to amend Appendix No. 19 to remove the connection through the existing property between Oxford Street (opposite Newcastle Street) and the Avenue Car Park.

Previous Reports to Council:

This matter was previously reported to the Council on 27 March 2012.

The Minutes of Item 9.1.5 from the Ordinary Meeting of Council held on 27 March 2012 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

The draft amended Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines were amended to remove all graphics and text which depict a connection through the existing property between Oxford Street (opposite Newcastle Street) and the Avenue Car Park. The Council requested the removal of the indicative connection as a result of the concerns raised by the affected businesses.

Recognising that improving the pedestrian environment and connectivity as one of the key principles for the redevelopment of the Leederville town centre, at the Ordinary Meeting held on 11 October 2011, the Council noted that a pedestrian connection from Oxford Street would be desirable. A Structure Plan is currently being developed for Leederville and the City will investigate alternative options for pedestrian connections.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

The amended Appendix was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to the owner(s) and occupier(s) within the Leederville Masterplan area, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of 14 submissions were received during the four week consultation period. Submissions were counted as one (1) submission per Lot and one (1) submission per business (Note: there are several instances where there are multiple businesses on the one Lot).

The breakdown of submissions is outlined below.

- Support: 7 submissions (50%).
- No Objection: 7 submissions (50%).
- Object: 0 submissions.

The comments raised during the consultation are outlined in the summary of submissions as show in Appendix 9.1.5 (Attachment 002), followed by an officer response.

No objections were raised in relation to the amendment, however comments were received that support the desire to provide a pedestrian connection in this vicinity. Comments were also received that supported the connection's removal due to the significance of the building and business that were potentially affected by the proposal.

The City recognises the important contribution the existing buildings along Oxford Street make to the character and vibrancy of the area. However, should the area be developed in accordance with the Leederville Masterplan, alternative vehicle and/or pedestrian access may be required to improve the legibility of the area. Options to improve access within the Leederville Masterplan town centre will be investigated as part of the preparation of the Structure Plan.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

The removal of the indicative pedestrian connection will alleviate concerns raised by the affected business owner.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1 and 2.1.4:

'1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'

'2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project.'

SUSTAINABILITY IMPLICATIONS:

The City's Sustainable Environment Strategy 2011 – 2016 states the following key objective that relates to the Leederville Masterplan:

'Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City.'

ENVIRONMENTAL	
Issue	Comment
Leederville is to be developed in accordance with the key principles of Transit Oriented Development, which promotes reduced reliance on the private car and encouraged use of alternative modes of movement and transport including walking, cycling and use of public transport in order to improve air quality and reduce congestion.	

SOCIAL	
Issue	Comment
Leederville has a unique social and cultural character which should be maintained through the redevelopment of the centre. The centre is to be developed to allow for greater social diversity and to create a place where people want to live, work and play.	

ECONOMIC	
Issue	Comment
Through the redevelopment of Leederville, additional employment opportunities will be created in a diverse range of fields.	

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount:	\$80,000
Spent to Date:	\$ <u>0</u>
Balance:	\$80,000

COMMENTS & CONCLUSION:

Amendment No. 98 to Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines was undertaken to remove graphics and text that depict a connection through the existing property between Oxford Street (opposite Newcastle Street) and the Avenue Car Park. No objections were received during the consultation and the only aspect of the Guidelines to be amended relates to this connection.

As a result, it is recommended that the Council support the Office Recommendation to adopt the amended version of Planning and Building Policy Appendix No. 19 relating to the Leederville Masterplan Built Form Guidelines.

9.1.6 Way Finding Signage Strategy 2012 – Final Adoption

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	PLA0084
Attachments:	Nil		
Tabled Items:	001 – Way Finding Signage Strategy 2012		
Reporting Officer:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the Way Finding Signage Strategy 2012 as “Tabled” and shown in electronic Attachment 001 to guide future signage to be installed within the City’s Town Centres; and
2. **NOTES** that;
 - 2.1 a Way Finding Signage Strategy Implementation Plan will be prepared and presented to the Council no later than October 2012; and
 - 2.2 the Council’s Budget 2012-2013 does not contain any specific funds for the implementation of the Way Finding Signage Strategy 2012.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

“That clause 3 be inserted as follows:

3. **APPROVES BY AN ABSOLUTE MAJORITY that a total of \$14,000 for Car Park Signage be allocated from the Parking Facility Reserve to commence the installation of the Way Finding Strategy.**”

**AMENDMENT PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Carey and Cr Harley on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Carey and Cr Harley on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.6

That the Council;

- 1. ADOPTS the Way Finding Signage Strategy 2012 as “Tabled” and shown in electronic Attachment 001 to guide future signage to be installed within the City’s Town Centres; and**
- 2. NOTES that;**
 - 2.1 a Way Finding Signage Strategy Implementation Plan will be prepared and presented to the Council no later than October 2012; and**
 - 2.2 the Council’s Budget 2012-2013 does not contain any specific funds for the implementation of the Way Finding Signage Strategy 2012; and**
- 3. APPROVES BY AN ABSOLUTE MAJORITY that a total of \$14,000 for Car Park Signage be allocated from the Parking Facility Reserve to commence the installation of the Way Finding Strategy.**

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Way Finding Signage Strategy, and to seek its final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 9 March 2010 adopted the Car Parking Strategy and the Precinct Parking Management Plans. These documents provided a number of recommendations for the City to consider in the implementation of the Car Parking Strategy. Recommendation 12 of the Car Parking Strategy states the following:

“The Town develops a way finding and parking signage package which brands the Town of Vincent and assists drivers to:

- know where to look for parking and way finding signage when they need it;*
- understand the way the information is communicated; and*
- obtain the information quickly and without fuss.*

The system should be applied across the entire Town equally to council and privately owned public car parking areas.”

This was listed as a medium priority recommendation and as such the City’s Officers began the process of implementing this recommendation in November 2011.

The City’s Officers prepared a project brief for the preparation of a Way Finding Signage Strategy. The brief along with a request for a quotation was sent to 12 parking and traffic consultants around Australia on 23 November 2011.

The City received four (4) quotations for the preparation of the Way Finding Signage Strategy and appointed Parking and Traffic Consultants for an agreed cost of \$43,7800 (inc GST) on 8 February 2012.

The consultant presented the key elements of the Strategy at a Council Member Forum on 29 May 2012. Minor modifications have since been made to the Strategy, incorporating comments received from Council Members.

DETAILS:

Purpose of the Way Finding Signage Strategy

One of the key findings in the preparation of the Car Parking Strategy and Precinct Parking Management Plan was the opportunity to improve the access and utilisation of the City's existing car parking resources. One of the key mechanisms recommended to achieve this was for the preparation of a Way Finding Strategy, to provide the framework for a coherent way finding system for both vehicles and pedestrians.

More specifically, the City's Precinct Parking Management Plan, includes the following statement:

"There is a lack of adequate signage directing drivers of cars motorcycles scooters, and bicycles to parking facilities in and around the Town. The current style of wayfinding signage for the public off-street car parks does not give any advance warning of location, does not indicate the number of spaces available or the type of parking available (short term or long term).

A new wayfinding system should include a hierarchy of easily identifiable signs, providing a logical progression from the major approaches to the centres, onto the main streets within the centre and then through to individual car parks. It is recommended that wayfinding signage is installed initially on all main routes into each high activity centre. Additionally, signage should promote walking times to nearby destinations such as cinemas, Leederville Oval, the TAFE and train stations."

The aim of the Way Finding Strategy is to make the City of Vincent more legible through the use of signage which brands the City and assists drivers to:

- Know where to look for parking and way finding signage when they need it;
- Understand the way the information is communicated; and
- Obtain the information quickly without fuss.

This Strategy will identify a 'family of signs' for the City of Vincent area and the most appropriate number and location for these signs.

Key Components of the Way Finding Signage Strategy

The Way Finding Signage Strategy document has been divided into seven main sections. These include:

1. *Executive Summary*

This section provides a brief overview of the strategy and illustrates how the strategy addresses the project brief that was provided.

2. *Current Situation*

This section covers the current and existing car park and pedestrian signage in the nominated Town Centres and provides an overview of access to the centres.

3. *Car Park Way Finding Signage Strategy*

4. *Pedestrian Way Finding Signage Strategy*

Sections 3 and 4 respectively provide details of the proposed car park and pedestrian way finding signage packages. This sections includes details of the design of the signage and where they should be located in the Town Centres.

5. *Preparation of a Signage Tender*

Section 5 outlines additional steps which need to be undertaken before tender documentation can be issued for the signage packages.

6. *Estimated Cost of Car Park and Pedestrian Way Finding Signage*

This Section contains estimations and indicative costs for the manufacturing of the signage as well as installation of the signage. These costs were based on WA suppliers.

7. *Dynamic Car Park Signage Alternative*

The option of dynamic car park signage is considered in Section 7. It is recommended that the signage initiatives be promoted using the City's website and local media to raise awareness of the proposed changes and the resultant benefits to the community.

The Way Finding Signage Strategy report will assist the City to improve vehicle and pedestrian way finding in its town centres. It is noted that the principles outlined in the report can also be utilised to improve other areas of the City.

Comments from the Council Member Forum

The Consultant prepared a presentation for the Council Member Forum held on 29 May 2012 and the following comments were made:

Councillor Comments	Consultant/Officer Comments
Will any directional signage be included on the route to the train stations or just within the Town Centres?	Yes, it is proposed that these signs will be located at regular intervals on route to the train stations.
Why does the signage say 'spaces' rather than 'bays'?	There is no universal term and either term can be used. For the purpose of the strategy, 'spaces' has been used. This can be changed at the manufacturing stage.
The pedestrian signs should include commercial landmarks such as Luna Cinemas.	A Main Roads Policy states that businesses cannot be advertised within the road reserve. Furthermore, it is considered favouritism if some commercial businesses are placed on the signs and not others.
Should we also be including the Mezz car park and the North Perth Plaza car park as these car parks are controlled by the City?	An additional comment has been added to the Strategy which relates to these car parks as well as other significant private car parks within the City.
Can we introduce car parking signs that are individual to the Town Centre other than the traditional 'P' and royal blue colour?	This colour and symbol is required as it the Australian Standard. Any other colours may need the approval of Main Roads.
There is no need to place the City of Vincent logo on all the signs.	It is preferred that the logo is placed on the signs.
Should there also be totem signs at the train stations that direct to the Town Centres?	The same principles that are discussed in the Strategy can be applied for any signage across the City of Vincent.

Implementation of the Way Finding Signage Strategy

The City of Vincent 2011/2012 financial year budget has an item named 'Car Parking Strategy Implementation – Associated Signage'. This account had \$50,000 allocated to it and to date, there is \$6,477 available. This account has not been approved for the 2012/2012 budget and therefore, there is no money in the upcoming budget to implement the Way Finding Signage Strategy.

In light of the above, the City's Officers are proposing to prepare a Way Finding Signage Strategy Implementation Plan, which will illustrate a staged implementation of the signage and will allow that associated money to be allocated in the upcoming financial years.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes*
--------------------------	----	-------------------------------------	------

*The City of Vincent Community Consultation Policy requires all strategic documents to undertake a community consultation process for 28 days. In accordance with the policy, the Chief Executive Officer has the discretion to vary the policy and in this instance, the Officers recommend that no consultation take place for the Way Finding Signage Strategy as it not considered necessary to obtain community comments on the design of car park signage that is required to be a certain colour, font and size, based on Australian Standards. However, the City's Officers do propose that consultation with the business and land owners occur, for those who may be affected by the location of particular signage. This will be undertaken prior to installation.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: The signage has been designed to comply with the Australian Standards and the Main Roads WA standards.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objectives 1.1.1, 1.1.4 and 1.1.5 state;

"Natural and Built Environment

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item from the 2012/2013 budget. At the time of writing this report, the final invoice to the consultants was being processed.

'Car Parking Strategy Implementation'

Budget Amount: \$70,000
Spent to Date: \$40,563
Balance: \$29,437

COMMENTS & CONCLUSION:

Car Parking Strategy Implementation Working Group Comments

The Way Finding Signage Strategy document was discussed at the City's internal Car Parking Strategy Implementation Working Group and it was agreed that the Strategy was well prepared and should be adopted by the Council in its current form.

The Working Group will assist in preparing the Way Finding Signage Implementation Plan over the upcoming months.

Strategic Planning Comments

It is considered that the Way Finding Signage Strategy is a comprehensive document that has appropriately addressed the project brief. It provides transparent and detailed information in regards to way finding signage within the City, and provides a clear signage schedule in order to send out for a tender process to signage manufacturers.

In light of the above, it is recommended that the Council adopts the Way Finding Signage Strategy, in accordance with the Officer Recommendation.

9.1.7 Proposal for Paid Parking in the West Perth Area Subject to the Perth Parking Management Act 1999 and Associated Parking Matters

Ward:	South	Date:	29 June 2012
Precinct:	Cleaver (P5) North Perth Centre (P9)	File Ref:	PGK0168
Attachments:	001 – Summary of Submissions 002 – Perth Consultation Map		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **DOES NOT PROCEED** with the introduction of paid parking in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway for the following reasons:
 - 1.1 The current predominant service and light industrial land uses in the area currently do not require high turnover customer parking generated through paid parking;
 - 1.2 The inability for paid parking to address the lack of long-term employee parking in the area;
 - 1.3 The comments received during the community consultation period, as shown in Attachment 001 of the report;
 - 1.4 The Council at its Ordinary Meeting on 12 July 2012, resolved to not pursue the West Perth Regeneration Plan until the completion of other key strategic planning projects; and
 - 1.5 Introducing paid parking into this area of West Perth, was not a recommendation of the City's Car Parking Strategy or associated Precinct Parking Management Plans;
2. **FURTHER LOBBY** the Department of Transport and the Minister for Transport that a minimum of \$25,000 of the City's total \$232,470 contribution to the Perth Parking Management Act 1999 is spent on a free shuttle bus that connects East Perth Train Station and Leederville Train Station;
3. **AUTHORISES** the Chief Executive Officer to investigate options for additional on-road parking in the West Perth locality;
4. **ADVISES** all affected land owners and occupiers of the above decision, including the availability of commercial parking permits;
5. **AUTHORISES** the Chief Executive Officer to include in the current review of the City's Policy No. 3.9.3 relating to Parking Permits consideration to allow better access of the commercial parking permits, to businesses in the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway;

6. **FURTHER CONSULTS** with all owners and occupiers for the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Money Street and Monger Street, as shown in Attachment 002, relating to the introduction of paid parking, and reports back to Council on completion of the consultation;
7. **DOES NOT PROCEED** with implementing paid parking in the area subject to the Perth Parking Management Act bounded by Lord Street, Summers Street and the Graham Farmer Freeway, until the completion of the Claisebrook Structure Plan and associated strategic planning being finalised in liaison with the Western Australian Planning Commission; and
8. **AUTHORISES** the Chief Executive Officer to undertake surveys with local businesses and residents within and surrounding the Mount Lawley Town Centre and the Leederville Town Centre, as endorsed at the Council Member Forum on 17 April 2012, and to undertake surveys with local businesses and residents in the North Perth Town Centre, in response to the comments raised during the North Perth Open Day held on 14 June 2012, to seek community comment on the concept of Parking Benefit Districts within these three (3) Town Centres and immediate surrounding residential areas and business comment on the commercial parking permits, and report back to Council with a summary of the surveys by October 2012.

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation, together with the following change(s), be adopted:

“That the Recommendation be amended to read as follows:

1. ~~DOES NOT PROCEED with the introduction of paid parking in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway for the following reasons:~~
 - 1.1 ~~The current predominant service and light industrial land uses in the area currently do not require high turnover customer parking generated through paid parking;~~
 - 1.2 ~~The inability for paid parking to address the lack of long-term employee parking in the area;~~
 - 1.3 ~~The comments received during the community consultation period, as shown in Attachment 001 of the report;~~
 - 1.4 ~~The Council at its Ordinary Meeting on 12 July 2012, resolved to not pursue the West Perth Regeneration Plan until the completion of other key strategic planning projects; and~~
 - 1.5 ~~Introducing paid parking into this area of West Perth, was not a recommendation of the City’s Car Parking Strategy or associated Precinct Parking Management Plans;~~

1. **NOTES that:**

- 1.1 **That the Council at its Ordinary Meeting held on 14 June 2011 resolved in-principle that funding for the Perth Parking Management Area should come from the parking revenue generated from that area;**
- 1.2 **That for the 2007/2008 to 2012/2013 financial years, the City has paid at total of \$1,056,438 for Perth Parking Licence Fees;**

- 1.3 That the 2012/2013 includes an amount of \$350,000 for revenue from parking bays within the Perth Parking Management Area and adjacent areas; and
- 1.4 That the licence fees paid in relation to the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, is used to support the adjacent Free Transit Zone, which includes a high frequency bus services on Newcastle Street;
2. **SUPPORTS IN PRINCIPLE:**
- 2.1 The introduction of paid parking in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway; and
- 2.2 The introduction of Commercial Parking Permits for this area that are set at approximately the same price as the licence fee for on-road bays within the Perth Parking Management Area;
3. **REQUESTS** the Chief Executive Officer investigate the implications of adopting the proposal in Clause 2 above, and provide a report to Council by October 2012;
- ~~2~~ 4. **FURTHER CONTINUE TO LOBBY** the Department of Transport and the Minister for Transport that a minimum of \$25,000 of a portion of the City's total \$232,470 contribution to the Perth Parking Management Act 1999 is spent on a free community shuttle bus providing an east-west linkage within the City that connects East Perth Train Station and Leederville Train Station;
- ~~3~~ 5. **AUTHORISES** the Chief Executive Officer to investigate options for additional on-road parking in the West Perth locality;
- ~~4~~ 6. **ADVISES** all affected land owners and occupiers of the above decision, including the availability of commercial parking permits;
- ~~5~~ 7. **AUTHORISES** the Chief Executive Officer to include in the current review of the City's Policy No. 3.9.3 relating to Parking Permits consideration to allow better access of the commercial parking permits, to businesses in the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway;
- ~~6~~ 8. **FURTHER CONSULTS** with all owners and occupiers for the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Money Street and Monger Street, as shown in Attachment 002, relating to the introduction of paid parking, and also consult with all owners and occupiers along Washing Lane, and reports back to Council on completion of the consultation; and
- ~~7.~~ **DOES NOT PROCEED** with implementing paid parking in the area subject to the Perth Parking Management Act bounded by Lord Street, Summers Street and the Graham Farmer Freeway, until the completion of the Claisebrook Structure Plan and associated strategic planning being finalised in liaison with the Western Australian Planning Commission; and
- ~~8~~ 9. **AUTHORISES** the Chief Executive Officer to undertake surveys with local businesses and residents within and surrounding the Mount Lawley Town Centre and the Leederville Town Centre, as endorsed at the Council Member

Forum on 17 April 2012, and to undertake surveys with local businesses and residents in the North Perth Town Centre, in response to the comments raised during the North Perth Open Day held on 14 June 2012, to seek community comment on the concept of Parking Benefit Districts within these three (3) Town Centres and immediate surrounding residential areas and business comment on the commercial parking permits, and report back to Council with a summary of the surveys by October 2012.”

Debate ensued.

Cr Topelberg called a Point of Order. Stated that the Motion as moved with the changes was a direct negative of the Officer Recommendation, contrary to Standing Orders Clause 5.12 (c).

In accordance with Standing Orders, the Officer Recommendation is required to be determined, without the changes.

The Presiding Member Mayor Hon. Alannah MacTiernan concurred and upheld the Point of Order.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Pintabona

That the Proposed Motion (as changed) be withdrawn due to Officer Recommendation not being dealt with first, as required by the Standing Orders, Clause 5.12 (c).

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND LOST (1-6)

For: Cr McGrath

Against: Mayor Hon. MacTiernan, Cr Buckels, Cr Maier, Cr Pintabona, Cr Topelberg, Cr Wilcox

(Cr Carey and Cr Harley on approved leave of absence.)

REASON FOR REFUSAL:

The Council considers the Officer Recommendation to be inconsistent with previous decisions of the Council dated 14 June 2012 and with the Budget 2012-2013.

ALTERNATIVE RECOMMENDATION

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation, together with the following change(s), be adopted:

“That the Recommendation be amended to read as follows:

1. ~~DOES NOT PROCEED with the introduction of paid parking in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway for the following reasons:~~

1.1 ~~The current predominant service and light industrial land uses in the area currently do not require high turnover customer parking generated through paid parking;~~

~~1.2 The inability for paid parking to address the lack of long-term employee parking in the area;~~

~~1.3 The comments received during the community consultation period, as shown in Attachment 001 of the report;~~

~~1.4 The Council at its Ordinary Meeting on 12 July 2012, resolved to not pursue the West Perth Regeneration Plan until the completion of other key strategic planning projects; and~~

~~1.5 Introducing paid parking into this area of West Perth, was not a recommendation of the City's Car Parking Strategy or associated Precinct Parking Management Plans;~~

1. NOTES that:

1.1 That the Council at its Ordinary Meeting held on 14 June 2011 resolved in-principle that funding for the Perth Parking Management Area should come from the parking revenue generated from that area;

1.2 That for the 2007/2008 to 2012/2013 financial years, the City has paid at total of \$1,056,438 for Perth Parking Licence Fees;

1.3 That the 2012/2013 includes an amount of \$350,000 for revenue from parking bays within the Perth Parking Management Area and adjacent areas; and

1.4 That the licence fees paid in relation to the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, is used to support the adjacent Free Transit Zone, which includes a high frequency bus services on Newcastle Street;

2. SUPPORTS IN PRINCIPLE:

2.1 The introduction of paid parking in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway; and

2.2 The introduction of Commercial Parking Permits for this area that are set at approximately the same price as the licence fee for on-road bays within the Perth Parking Management Area;

3. REQUESTS the Chief Executive Officer investigate the implications of adopting the proposal in Clause 2 above, and provide a report to Council by October 2012;

2 4. FURTHER CONTINUE TO LOBBY the Department of Transport and the Minister for Transport that a minimum of \$25,000 of a portion of the City's total \$232,470 contribution to the Perth Parking Management Act 1999 is spent on a free community shuttle bus providing an east-west linkage within the City that connects East Perth Train Station and Leederville Train Station;

3-5. AUTHORISES the Chief Executive Officer to investigate options for additional on-road parking in the West Perth locality;

4-6. ADVISES all affected land owners and occupiers of the above decision, including the availability of commercial parking permits;

- ~~5-7.~~ **AUTHORISES** the Chief Executive Officer to include in the current review of the City's Policy No. 3.9.3 relating to Parking Permits consideration to allow better access of the commercial parking permits, to businesses in the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway;
- ~~6-8.~~ **FURTHER CONSULTS** with all owners and occupiers for the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Money Street and Monger Street, as shown in Attachment 002, relating to the introduction of paid parking, and also consult with all owners and occupiers along Washing Lane, and reports back to Council on completion of the consultation; and
- ~~7.~~ **DOES NOT PROCEED** with implementing paid parking in the area subject to the Perth Parking Management Act bounded by Lord Street, Summers Street and the Graham Farmer Freeway, until the completion of the Claisebrook Structure Plan and associated strategic planning being finalised in liaison with the Western Australian Planning Commission; and
- ~~8-9.~~ **AUTHORISES** the Chief Executive Officer to undertake surveys with local businesses and residents within and surrounding the Mount Lawley Town Centre and the Leederville Town Centre, as endorsed at the Council Member Forum on 17 April 2012, and to undertake surveys with local businesses and residents in the North Perth Town Centre, in response to the comments raised during the North Perth Open Day held on 14 June 2012, to seek community comment on the concept of Parking Benefit Districts within these three (3) Town Centres and immediate surrounding residential areas and business comment on the commercial parking permits, and report back to Council with a summary of the surveys by October 2012."

Debate ensued.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Buckels

"That Clause 3 be amended to read as follows:

- ~~3.~~ **REQUESTS** the Chief Executive Officer investigate the implications of adopting the proposal in Clause 2 above, and measures to manage potential financial impacts to businesses in the area as determined from submissions. provide a report to Council by October 2012;

Cr McGrath withdrew the Amendment. The seconder, Cr Buckels consented to the withdrawal of the Amendment.

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Maier

"That Clause 2.1 be amended to read as follows:

- ~~2.1~~ **The introduction of a fee based paid parking system in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway; and"**

The Mover of the item Cr Maier consented to the revised wording of Clause 2.1 being included in his Alternative Recommendation. The Seconder, Cr Pintabona also consented to the change.

AMENDMENT 3

Moved Cr McGrath, Seconded Cr Buckels

“That a new Clause 2.3 be inserted to read as follows:

2.3 The investment of revenue from fee based parking into streetscape and transport improvements in this area.

Debate ensued.

The Mover, Cr McGrath advised that he wished to withdraw his amendment The Seconder, Cr Buckels agreed. Cr McGrath withdrew his amendment.

**ALTERNATIVE RECOMMENDATION AS CHANGED
PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Carey and Cr Harley on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.7

That the Council;

1. NOTES that:

- 1.1 That the Council at its Ordinary Meeting held on 14 June 2011 resolved in-principle that funding for the Perth Parking Management Area should come from the parking revenue generated from that area;**
- 1.2 That for the 2007/2008 to 2012/2013 financial years, the City has paid at total of \$1,056,438 for Perth Parking Licence Fees;**
- 1.3 That the 2012/2013 includes an amount of \$350,000 for revenue from parking bays within the Perth Parking Management Area and adjacent areas;**
- 1.4 That the licence fees paid in relation to the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, is used to support the adjacent Free Transit Zone, which includes a high frequency bus services on Newcastle Street;**

2. SUPPORTS IN PRINCIPLE:

- 2.1 The introduction of a fee based parking system in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway;**
- 2.2 The introduction of Commercial Parking Permits for this area that are set at approximately the same price as the licence fee for on-road bays within the Perth Parking Management Area;**
- 2.3 The investment of revenue from fee based parking into streetscape and transport improvements in this area;**

3. REQUESTS the Chief Executive Officer investigate the implications of adopting the proposal in Clause 2 above, and measures to manage potential financial impacts to businesses in the area as determined from submissions;

4. **CONTINUE TO LOBBY** the Department of Transport and the Minister for Transport that a portion of the City's \$232,470 contribution to the Perth Parking Management Act 1999 is spent on a community shuttle bus providing an east-west linkage within the City;
5. **AUTHORISES** the Chief Executive Officer to investigate options for additional on-road parking in the West Perth locality;
6. **ADVISES** all affected land owners and occupiers of the above decision, including the availability of commercial parking permits;
7. **AUTHORISES** the Chief Executive Officer to include in the current review of the City's Policy No. 3.9.3 relating to Parking Permits consideration to allow better access of the commercial parking permits, to businesses in the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, including the Claisebrook Road North area bounded by Lord Street, Summers Street, Railway Reserve and the Graham Farmer Freeway;
8. **FURTHER CONSULTS** with all owners and occupiers for the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Money Street and Monger Street, as shown in Attachment 002, relating to the introduction of paid parking, and also consult with all owners and occupiers along Washing Lane, and reports back to Council on completion of the consultation; and
9. **AUTHORISES** the Chief Executive Officer to undertake surveys with local businesses and residents within and surrounding the Mount Lawley Town Centre and the Leederville Town Centre, as endorsed at the Council Member Forum on 17 April 2012, and to undertake surveys with local businesses and residents in the North Perth Town Centre, in response to the comments raised during the North Perth Open Day held on 14 June 2012, to seek community comment on the concept of Parking Benefit Districts within these three (3) Town Centres and immediate surrounding residential areas and business comment on the commercial parking permits, and report back to Council with a summary of the surveys by October 2012.

PURPOSE OF REPORT:

The purpose of this report is to address the following matters:

- To provide an overview to the Council on the recent community consultation that was undertaken relating to the proposal for the introduction of paid parking in the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway, which is subject to the Perth Parking Management Act 1999, and consider as to whether introducing paid parking is appropriate.
- To investigate options for additional on-road parking in the West Perth locality.
- To seek authorisation from the Council to further consult with the owners and occupiers of the area part subject to the Perth Parking Management Act, west of Lord Street, in relation to introducing paid parking.
- To seek endorsement to not proceed with implementing paid parking in the area subject to the Perth Parking Management Act, until the completion of the Claisebrook Structure Plan in liaison with the Western Australian Planning Commission.
- To seek endorsement to undertake surveys with business owners and residents in the Town Centres of Leederville, Mount Lawley/Highgate and North Perth to inform whether to proceed with the concept of Parking Benefit Districts and/or more accessible Commercial Parking Permits.

BACKGROUND:

In 2007, the City acquired an area of land from the City of Perth bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, as part of a local government boundary change. Acquiring this land then resulted in the City being subject to the Perth Parking Management Act 1999, which requires all non-residential parking bays within the Perth Parking Management Act be licensed with a fee paid where liable. The boundary change also resulted in the City also acquiring land in the area bounded by Lord Street, Summers Street and the Graham Farmer Freeway, and a smaller portion of land bounded by Newcastle Street, Lindsay Street, Parry Street and Lord Street, also subject to the Perth Parking Management Act 1999.

History:

Date	Comment
1 July 2007	Following a local government boundary change, the City acquired a number of new areas including a former City of Perth area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, that was subject to the Perth Parking Management Act 1999.
24 February 2009	The City received a formal invitation from the then Department of Planning and Infrastructure to comment on the revision of the Perth Parking Policy and recommendations relating to the Boundary of the Perth Parking Management Act area.
28 April 2009	The Council at its Ordinary Meeting resolved to advise the then Department of Planning and Infrastructure that the boundary of the Perth Parking Management Area be modified, in effect, excising both the West Perth and the East Perth areas of the City that were transferred from the City of Perth in 2007 and are subject to the Perth Parking Management Act 1999.
11 January 2010	During the 2009/2010 Council recess period, the Council endorsed a Progress Report relating to the Perth Parking Management Area, which maintained the position to advise the Department of Planning and the Department of Transport that the City supported the excision of the City of Vincent (both East Perth and West Perth) from the Perth Parking Management Area.
21 December 2010	The City received a letter from the Department of Transport requesting confirmation that the City still wished to pursue the excision of the West Perth area from the Perth Parking Management Act and subsequently the Free Transit Zone.
22 February 2011	The Council resolved to reconsider its position on excising from the Perth Parking Management Area and to; write to the Minister for Transport and the Minister for Planning to discuss the implications of the City's continued inclusion within the Perth Parking Management Area and to engage a parking consultant to investigate paid parking in the area bounded by Lindsay Street, Newcastle Street, the Graham Farmer Freeway, East Parade, Summers Street, Lord Street and Parry Street.
16 May 2011	The City received a letter from the Minister for Transport advising that there was no merit in altering the boundary of the Perth Parking Management Area to excise the City of Vincent, noting in particular that <i>'the forecasted number of new residents and businesses would not only benefit from the ability to use free public transport to access the city centre, but the controls provided in the Perth Parking Policy would help to limit growth of parking and car use in this constrained and sometimes congested location'</i> .

Date	Comment
18 May 2011	The City received a letter from the Minister for Planning advising that <i>'the redevelopment potential for the area and the consequent traffic generating impact provides a rationale for continued inclusion of this area within the Perth Parking Management Area.'</i>
14 June 2011	The Council resolved at its Ordinary Meeting to advise the Department of Transport that it supports maintaining the West Perth and East Perth area in the Perth Parking Management Area and that it supports the Minister for Transport's recommendation to improve transport services in the north western corner of the Perth Parking Management Area, in particular re-routing bus services to traverse the West Perth area.
8 August 2011	The City received a letter from the Minister for Transport advising that as of 14 August 2011, improvements will commence to the public transport services in the north-west corner of the Perth Parking Management Area by increasing the bus service frequency of Route 15 (between Glendalough and Wellington Street Bus Station). The letter also noted that this would improve the Free Transit Zone (FTZ) access to and from the city centre for businesses in the north-west corner of the Perth Parking Management Area and for the City of Vincent residents outside the Perth Parking Management Area who use the free service to access the City.
11 October 2011	The Council resolves to defer to a Council Member Forum the introduction of paid parking in the area subject to the Perth Parking Management Act bounded by Lord Street, Summers Street and the Graham Farmer Freeway and the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Money Street and Monger Street.
20 March 2012	City of Vincent Officers provided an overview on the Perth Parking Management Act 1999 and its implications for the City at a Council member Forum. At the Forum direction was provided to the Officers by the Council Members to undertake consultation on introducing paid parking in the area bounded by Newcastle Street, Charles Street, Loftus Street and the Graham Farmer Freeway.
15 May 2012	Mayor Hon. Alannah MacTiernan writes to the Director General of the Department of Transport seeking \$25,000 from the Perth Parking Management Act fund to progress a proposal for a community bus route that connects the East Perth rail station with the Leederville rail station, based on a model developed by a local government Japan.
5 June 2012	Letter received from the Department of Transport advising that the State Government has approved new annual fees for Perth Parking Licences to be increased by the Consumer Price Index rate of 2.8% as follows: Public long stay and tenant parking = \$633.60 per bay per annum (\$17.30 increase) and Public short stay parking on and off street = \$600.70 per bay per annum (\$16.40 increase). The City has a total of 387 Public short stay bays and therefore at a rate of \$600.70 per annum owes a total of \$232,470.9 for the period 1 July 2012 – 30 June 2013.

Previous Reports to Council:

This matter was previously reported to the Council on the 14 June 2011.

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 14 June 2011 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/705f9f32-505b-42c6-9866-9efc009c9a45/20110614.pdf>

DETAILS:

Overview of the Perth Parking Management Area Legislation

The area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway that was ceded from the City of Perth to the City of Vincent in July 2007 falls within the Perth Parking Management Area. The Perth Parking Management Area is governed by the Perth Parking Management Act 1999, which is implemented through the Perth Parking Management Regulations 1999 and the Perth Parking Policy.

The Perth Parking Management Act 1999 requires that all non-residential parking bays within the Perth Parking Management Area be licensed with a fee. The revenue from the parking licence fee is used to fund a range of transport services within central Perth, including the CAT (Central Area Transit) bus service, the Free Transit Zone and improvements for pedestrians and cyclists. These services are intended to benefit each property owner either directly or indirectly by helping to deliver an accessible transport system in central Perth.

The Department of Transport is responsible for the administration of the Act and the Officer of State Revenue is responsible for collecting revenue and administering the licensing system on behalf of the Director General – Transport.

The Perth Parking Management Policy was developed by the State Government in consultation with the City of Perth. The Policy provides the framework under which the State Government applies the provisions of the Perth Parking Management Act 1999 and the City of Perth to apply the provisions of the City of Perth Town Planning Scheme, in managing parking in Perth. The City of Vincent by inheriting portions of land within the Perth Parking Management Act is to apply the provisions of the Perth Parking Policy in conjunction with the relevant Town Planning Scheme in the consideration of development applications within the area.

The Current Situation in West Perth

The City of Vincent pays a fee for its 387 on-street bays, at a cost of \$584.30 per bay per annum. In the 2012/2013 financial year this is scheduled to increase to \$600.70 per bay per annum, costing the City at total of \$232,470.90. This includes all of the City's 387 bays currently in the Perth Parking Management Area, comprising both the West Perth and the East Perth/Perth areas ceded to the City of Vincent in July 2007.

In a letter dated 1 June 2012, the Department of Transport advised that the initiatives to be funded from the Perth Parking Fund over the next four (4) years include:

- Provision of a new 'Green CAT' route between Leederville, City West and Esplanade Stations;
- Completion of a number of key links in the Principal Shared Paths network for cyclists and pedestrians;
- Contribution towards planning and construction of priority bus lanes; and
- Establishing an incident response team able to move vehicles that are causing traffic blockages, supported by improved traffic information and monitoring of priority CBD roads and intersections.

A preliminary survey of the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer freeway indicates that the on-street bays, managed by the City of Vincent are generally above 85 per cent occupancy during standard business hours from 8.00am to 5.00pm, Monday to Friday and are occupied by employees, commuters to the CBD and customers.

The City of Vincent rate payers are effectively subsidising this 'free parking' through the fees that the City is to pay to the Department of Transport on a yearly basis. Contrary to the intention of the Perth Parking Management Act 1999, it is evident that there are little tangible benefits to this particular area for paying this fee to the Department of Transport, either by the City or the business operators within the area subject to the Perth Management Act 1999.

The City's Proposal for Introducing Paid Parking in West Perth

The City of Vincent presented a proposal to businesses, residents and land owners for their views on considering introducing paid parking for all the on-street bays within the area bounded by Newcastle Street, Charles Street, Loftus Street and the Graham Farmer Freeway from 8.00am to 5.00pm, from Monday to Friday. The current time restriction of 2P was proposed to continue to apply during this time and the fee being \$2.00 per hour.

It was suggested that the revenue raised through the paid parking could be reinvested by the City into tangible benefits for the City's ratepayers, and help to cover the costs of the licence fees that the City is paying to the Department of Transport.

Car Parking Surveys in the Town Centres

In response to the recommendation from the Car Parking Strategy to provide Parking Benefit Districts within the residential areas surrounding the town centres, the City's Officers are initially proposing that a survey of the residents and business owners be completed.

The survey to residents proposes to include some brief information of the concept of Parking Benefit Districts, information on the existing Commercial Parking Permits then a questionnaire that would result in some data collection relating to the number of people residing at the property, the number of people that own a car and if they have any residential and/or visitor parking permits. The questionnaire then asks if they support the idea of Parking Benefit Districts and if so what percentage of their street being used for commercial permits they would support and what sort of streetscape works they would like to see from the sale of commercial parking permits.

The survey to businesses also includes information on Commercial Parking Permits and the restrictions and eligibility then asks questions relating to the business, such as the type of business, how many days they operate and the times, the number of employees and the number of car bays they have on their property. The surveys then follow into questions regarding Commercial Parking Permits and if they would be interested in purchasing, the days and times that they would need the permit, how much they would be willing to pay and how they would like to pay for it (i.e. annually, bi-annually, quarterly or monthly). The survey then asks which of the following existing eligibility restrictions that they agree or disagree with.

The surveys will be sent to all residents and business owners within the Activity Centre areas as defined in the Parking Permits Policy. The survey will send via a letter with a reply-paid envelope, however a link to an online survey will also supplied and the survey can be completed this way.

Further Consultation on Paid Parking

Whilst it is not recommended that paid parking be introduced in the area in West Perth bounded by Newcastle Street, Charles Street, Loftus Street and the Graham Farmer Freeway for the reasons outlined above, nor for the area east of Lord Street, due to the strategic planning currently being undertaken, in response to the discussions held at the Council Member Forum on the 20 March 2012, and at the City's internal Car Parking Strategy Working Group recently, it is considered that the introduction of paid parking could be considered in the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Money Street and Monger Street, as shown in the map attached to this report. This area is heavily parked during the day, and many surrounding streets already have ticket machines in place. Given this, it is considered that re-consulting with the owners and occupiers on paid parking would be worthwhile.

One anomaly to this area is Washing Lane which does not have paid parking. Given the road and verge dimensions of this street, together with the large scale building construction currently being undertaken west of Money Street, it is not considered appropriate to introduce ticket machines along this street.

Car Parking Strategy Working Group

This report was discussed at the City's internal Car Parking Strategy Working Group on the 19 June 2012, where it was agreed that:

- For the reasons outlined in the Officer Recommendation, there was no strong basis to introduce paid parking into the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway;
- It would be beneficial to undertake further investigations for additional on-road parking in the West Perth locality to provide additional all day parking in the area;
- It is not appropriate at this point in time to introduce paid parking into the area east of Lord Street, subject to the Perth Parking Management Act, given the strategic planning work to commence in the area of Claisebrook;
- Given the almost 12 month time lapse from the previous consultation on paid parking in the area part subject to the Perth Parking Management Act west of Lord Street, was undertaken it was agreed that further consultation and investigation should be carried out before introducing paid parking in this area; and
- It would be beneficial that a survey for North Perth on Parking Benefit Districts be undertaken, similar to the surveys that have been prepared for Leederville and Mount Lawley/Highgate, to provide information to the Council to inform further decisions on managing parking in North Perth.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period: 9 May 2012 – 6 June 2012

Consultation Type: Advert was placed in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to all owner(s) and occupier(s) within the area bounded by Newcastle Street, Charles Street, Loftus Street and the Graham Farmer Freeway, and relevant government agencies.

Summary of Consultation

A total of eighty (80) letters were distributed to all owners and occupiers within the area bounded by Newcastle Street, Charles Street, Loftus Street and the Graham Farmer Freeway and relevant State Government agencies. A total of thirty-one (31) submissions were received, with thirteen (13) of these being received outside of the advertising period. A breakdown is provided below and a full summary of submissions is provided in Attachment 001.

- Support: 3 (10%).
- Object: 26 (84%).
- No objection/no comment: 2 (6%).

	Owner	Occupier	Owner/ Occupier	Affected Streets	Land Uses
Object	6	15	3	<ul style="list-style-type: none"> • Newcastle Street • Cleaver Street • Kingston Avenue • Drummond Place • Douglas Street 	Light Industry Warehouse Office Residential

	Owner	Occupier	Owner/ Occupier	Affected Streets	Land Uses
Support	1		1	<ul style="list-style-type: none"> • Douglas Street • Simpson Street 	Residential
No Position			1	<ul style="list-style-type: none"> • Cleaver Street 	Office Government Department

Key Points Made in Submissions

Reasons Objecting to the Proposal

- Hindrance to employee parking and potential flow-on effects for employee retention;
- Reduce appeal and convenience to attract new customers and maintaining loyal customers;
- Greater financial stress on business operations;
- Spill over of commuters into residential streets north of Newcastle Street; and
- No tangible benefits for businesses in the area that are also paying the licence fees, resulting in lose – lose situation for businesses.

Comments in Support of the Proposal

- Revenue generated being reinvested back into the area, particularly for road improvements.

Recommendations

- Improve enforcement in the area, instead of introducing paid parking should address parking issue;
- City of Vincent, in partnership with business owners in the area recommend to the State Government that this area be excised from the Perth Parking Management Area, as they are no evident benefits from the fees being invested in this area;
- City of Vincent should provide commercial parking fees to businesses at a reasonable fee of \$500 per permit; and
- Department of Transport utilize the fees to provide a CAT bus service to West Perth.

LEGAL/POLICY:

- Perth Parking Management Act 1999;
- Perth Parking Regulations 1999;
- Perth Parking Policy; and
- City of Vincent Town Planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

High: The City is to pay a total of \$232,470.9 in the 2012/2013 financial year to the Perth Parking Benefit Fund, this, coupled with the amounting issues associated with infill development and parking pressures means that the City should be looking at alternatives for the fees be re-invested back into the City to benefit all residents and business operators. Continuing the status quo is not sustainable in the medium to long term.

STRATEGIC IMPLICATIONS:

The City of Vincent *Strategic Plan 2011-2016* states:

“Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.4 *Take action to improve transport and parking in the City and mitigate the effects of traffic*
 - 1.1.5 *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

SUSTAINABILITY IMPLICATIONS:

The City’s Sustainable *Environment Strategy 2011-2016* states the following key objective:

- “1. *Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City.”*

The following tables outline the applicable sustainability issues for this Masterplan:

ENVIRONMENTAL	
Issue	Comment
Whilst the rationale for the Perth Parking Management Act is to generate funds to assist to providing a balanced and sustainable transport system in central Perth that is highly accessible to all users, which supports environmental sustainability, the direct flow on to this particular area is not evident, when the majority of land uses are car dependent and do not utilise the Free Transit Zone available.	

SOCIAL	
Issue	Comment
The feedback received during the community consultation period indicated very little community support and social benefit for introducing paid parking into this area of West Perth.	

ECONOMIC	
Issue	Comment
The financial cost to the City towards its contribution to the Perth Parking Management Act is significant, particularly when considered against the minimal benefits received. Whilst revenue raised through paid parking could be used to off-set these costs, a preferred approach for both the City and the business operators, land owners and residents in the area would be to continue to lobby the State government to consider alternative fund arrangements for the City’s contribution, such as a shuttle bus between the Leederville Train Station and the East Perth Train Station.	

FINANCIAL/BUDGET IMPLICATIONS:

The City is to pay a total of \$232,470.9 for the licence period between 1 July 2012 to 30 June 2013 in accordance with the Perth Parking Management Act 1999.

COMMENTS & CONCLUSION:

Paid Parking in West Perth

The consultation and investigation undertaken on the area bounded by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway subject to the Perth Parking Management Act, has indicated that there does not appear to be a strong argument for introducing paid parking into this area. Whilst located within close proximity to the Perth CBD, the area is characterised by predominately light and service industry that provide a valuable service to this region and do not generate high public transport generation and short stay customer parking. In addition to this, the area is currently zoned ‘Industrial’ under the MRS, and the City at its Ordinary Meeting held on 12 June 2012, has resolved to not pursue an urban zoning to this area in the foreseeable future.

In addition, the issues that have been identified during the consultation illustrate that the nature of the land uses in this area, are dependent on providing adequate employee parking during the day, and not high turnover customer parking, typical for the City's Town Centres, such as Leederville or Mount Lawley.

Notwithstanding this, it is acknowledged that the Council is paying a considerable fee to the Perth Parking Management Fund, and whilst introducing paid parking may not be appropriate for this area to off-set these fees, alternative measures should be investigated. Given this, it is recommended that the Council adopt the Officer Recommendation to continue to lobby the State government for tangible benefits such as an east-west route shuttle bus, for the City to get the best 'value of money' for the fees that are paid towards the Perth Parking Management Act fund. It is also recommended that the City investigate options to provide additional areas for all day parking, in the West Perth locality.

Additional Consultation on Paid Parking

It is recommended that the Council further consult and investigate the area part subject to the Perth Parking Management Act bounded by Newcastle Street, Lord Street, Brewer Street, Robinson Avenue, and Lindsay Street, to see seek feedback on the appropriateness of paid parking in this area. A map depicting the area is shown as an attachment to this report.

Washing Lane has deliberately not been included in this consultation, due to the building construction being undertaken along the Lane, west of Money Street, and the road and verge dimensions and design limiting the ability to provide ticket machines within the area east of Money Street along Washing Lane.

Parking Surveys and Commercial Parking Permits

It is considered that the Parking Surveys for businesses and residents in the Town Centres of Leederville, Mount Lawley/Highgate and North Perth will provide constructive feedback on the current parking issues in these areas and recommendations on how parking can be better managed. This information will assist the City to inform any further decisions on improving the management of parking in these areas, which maybe in the form of Parking Benefit Districts and/or changes to the commercial parking permit system.

Claisebrook Area

It is recommended that at this point in time, the City does not proceed with introducing paid parking into the area subject to the Perth Parking Management Act bounded by Lord Street, Summers Street and the Graham Farmer Freeway. In a letter dated 22 May 2012, the Minister for Planning has instructed that the Western Australian Planning Commission, in conjunction with the City of Vincent, progress finalising the strategic direction for this area as a matter of priority. As such, it is considered premature to introduce paid parking in this area until after the strategic direction for this area, with respect to the desired land uses, building forms and character has agreed upon by the relevant parties.

Summary

In light of the above justification on the various matters relating to parking, it is recommended that the Council support the Officer Recommendations accordingly.

9.1.8 Sustainable Environment Strategy – Implementation Plan

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	PLA0175
Attachments:	001 -Sustainable Environment Strategy Implementation Plan 2011-2016 002 -Sustainable Environment Strategy 2012-2013 Annual Action Plan		
Tabled Items:	Nil		
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council ENDORSE the:

1. Sustainable Environment Strategy Implementation Plan 2011-2016; and
2. Sustainable Environment Strategy Annual Action Plan 2012-2013.

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

“That clause 1 be amended to read as follows:

1. Sustainable Environment Strategy Implementation Plan 2011-2016, subject to the following amendments; and
 - 1.1 Strategy Actions 2.7 and 2.14 relating to water sensitive urban design to be marked for implementation in 2012-2013;
 - 1.2 The reason for inclusion of Strategy Actions 2.7 and 2.14 in the 2012-2013 Action Plan to be given as “Already in Progress”; and
 - 1.3 The 2012-2013 Annual Action Plan to be amended to reflect the amendments to the Sustainable Environment Strategy Implementation Plan 2011-2016; and”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.8

That the Council ENDORSE the:

1. **Sustainable Environment Strategy Implementation Plan 2011-2016, subject to the following amendments;**
 - 1.1 **Strategy Actions 2.7 and 2.14 relating to water sensitive urban design to be marked for implementation in 2012-2013;**
 - 1.2 **The reason for inclusion of Strategy Actions 2.7 and 2.14 in the 2012-2013 Action Plan to be given as "Already in Progress"; and**
 - 1.3 **The 2012-2013 Annual Action Plan to be amended to reflect the amendments to the Sustainable Environment Strategy Implementation Plan 2011-2016; and**
2. **Sustainable Environment Strategy Annual Action Plan 2012-2013.**

PURPOSE OF REPORT:

The purpose of this report is to present to Council:

- The Sustainable Environment Strategy Implementation Plan 2011-2016, which provides an overview of all strategy actions set out within the City's Sustainable Environment Strategy 2011-2016 and the proposed order of their implementation;
- The City's Sustainability Advisory Group's recommendation for key focus areas in 2012-2013; and
- The Sustainable Environment Strategy 2012-2013 Annual Action Plan, detailing the specific projects and actions through which strategy actions aligning with the nominated focus areas for 2012-2013 are to be implemented.

History:

Date	Comment
28 June 2012	Council adopted the <i>Sustainable Environment Strategy 2011-2016</i> .
8 May 2012	The Council requested that the <i>Sustainable Environment Strategy 2011-2016 Implementation Plan</i> be provided to the Council by 10 July 2012.

Previous Reports to Council:

The *Sustainable Environment Strategy Implementation Plan 2011-2016* and the *Sustainable Environment Strategy 2012-2013 Annual Action Plan* have not previously been presented to the Council.

BACKGROUND:

The City's current *Sustainable Environment Strategy 2011-2016* was adopted by the Council at its Ordinary Meeting on 28 June 2011. Following this, the City's Sustainability Officer worked with staff across the organisation to complete a detailed Implementation Plan as set out in the Sustainable Environment Strategy:

"4.1 *Monitoring, evaluation and review:*

To facilitate implementation, the Strategic Planning Officers will prepare an Implementation Plan, which will identify for each action:

- *Indicators which will signify achievement of the action;*
- *The City's Officers who will be responsible for achieving the action;*
- *Budgetary considerations; and*
- *A target date for completion, taking into account the priority of the action."*

The draft Implementation Plan was presented to the City's Sustainability Advisory Group on 11 January 2012. Feedback was sought on the overall plan, the indicators/targets outlined within the plan and the priority to be assigned to related projects. The group did not have time to consider the plan in detail, but came to a preliminary agreement that priority should be given to proactive and publicly visible projects that would set an example for the community and demonstrate environmental responsibility.

At its following meeting on 19 March 2012, the Advisory Group discussed a number of projects that would meet the above criteria. These were largely centred on energy efficiency measures, renewable energy infrastructure and the greening of public spaces. The group also discussed the need for more effective ways to publicise the City's environmental and sustainability projects and programs. All agreed that while the City has been proactive on these fronts, past communication processes have failed to adequately inform its community. It was proposed that future actions should be promoted more strongly using appropriate forms of advertising, including on-site displays and informative signage.

The list of ideas generated at this meeting was matched to relevant strategy actions within the City's *Sustainable Environment Strategy 2011-2016* and a revised draft Implementation Plan was presented to the group at its following meeting on 21 May 2012. This plan was a streamlined version of the earlier document, which the group had found large, unwieldy and difficult to follow as it attempted to include indicators, budgetary considerations and target dates for every strategy action set out in the City's *Sustainable Environment Strategy 2011-2016*.

The revised plan provided a simple five year overview of strategy actions, with proposed years of implementation assigned based on the group's earlier discussions. A problem identified at this time was that implementation of individual strategy actions would typically involve several projects, sometimes distributed across more than one Section or Directorate. Conversely, some projects addressed more than one strategy action. This would make assignation of responsibility for strategy actions and reporting against them difficult and confusing.

The solution to which the group unanimously agreed on 21 May was that the Implementation Plan should be re-worked, grouping strategy actions according to key focus areas for the upcoming year 2012-2013. A detailed annual action plan could then be created for each of the five years of the Implementation Plan, setting out the specific projects and actions required to implement those strategy actions that align with focus areas selected for each financial year. Individual staff responsibility could then be assigned to projects rather than to strategy actions.

Key focus areas identified by the group as being of the highest priority for 2012-2013 were:

1. Creation of a Vincent Greening Plan and delivery of related projects;
2. Energy use and greenhouse gas reductions;
3. Sustainable procurement – with particular focus on printing and paper products;
4. Sustainable planning and building; and
5. Effective communication with business and community.

DETAILS:

Based on the Sustainability Advisory Group's recommendation, the City's Sustainability Officer has created the *Sustainable Environment Strategy Implementation Plan 2011-2016*, as shown Appendix 9.1.8A of this report. This document sets out in table format all the strategy actions within the City's Sustainable Environment Strategy, designating the proposed year of implementation for each action with a tick (✓). Strategy actions already implemented in 2011-2012 have been marked accordingly in the 2011-2012 column of the table. Actions that are likely to be ongoing following commencement have been ticked in subsequent years.

The 'Focus Area/Reason' column identifies the focus area that corresponds to each strategy action to be implemented in 2012-2013. The same column makes note of strategy actions that may not be directly related to focus areas, but are already in progress and will therefore be reported against in 2012-2013. Some of these (such as the Hyde Park Lakes restoration project) are due for completion in 2012-2013. The 'Comments' column provides explanatory notes about the choice of year for implementation.

The *Sustainable Environment Strategy 2012-2013 Annual Action Plan*, as shown in Appendix 9.1.8B of this report, sets out the projects and specific actions/steps through which the 2012-2013 strategy actions will be implemented. For the sake of clarity, this plan groups projects according to focus area, assigns lead responsibility for each project to one specific staff member and maps the required actions for each task on a week by week basis. This format allows for simple effective reporting on a quarterly, annual or as-required basis.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
--------------------------	----	-------------------------------------	----

The City's *Sustainable Environment Strategy 2011-2016* had undergone community consultation prior to its adoption by Council in June 2011. The five-year Implementation Plan and the Annual Action Plan seek to implement this adopted strategy and are based on the recommendations of the City's Sustainability Advisory Group.

LEGAL/POLICY:

It is a legal requirement for each local government to have a Plan for the Future. The Council has previously resolved that the Plan for the Future will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents, including the Sustainable Environment Strategy (as outlined in the City's *Strategic Plan 2011-2016*).

The *Local Government Act 1995* requires that the City's Plan for the Future must be reviewed every two years. It is recommended that the *Sustainable Environment Strategy Implementation Plan 2011-2016* be reviewed annually to establish appropriate focus areas and set the projects/actions for each annual action plan.

City of Vincent policies that relate to or are addressed by the City's *Sustainable Environment Strategy 2011-2016* and its *Implementation Plan*:

- 1.2.3 *Purchasing*
- 1.2.9 *Purchase of Paper Products*
- 1.2.10 *Commercial Dealings – Native Forest Woodchips*
- 2.1.1 *Public Open Space – Maintenance of Naturally Vegetated Areas*
- 2.1.2 *Street Trees*
- 2.1.8 *Parks and Reserves – Water Conservation Design Guidelines*
- 2.2.4 *Verge Treatments, Plantings and Beautification*
- 2.2.11 *Waste Management*
- 2.2.12 *Asset Management*
- 4.1.21 *Environmental Grants and Awards*
- 4.1.16 *Vehicle Management*
- 3.2.1 *Residential Design Elements*
- 3.5.10 *Sustainable Design*
- 3.6.3 *Trees of Significance*

RISK MANAGEMENT IMPLICATIONS:

Should the Council not support or defer the endorsement of the *Sustainable Environment Strategy Implementation Plan 2011-2016* and/or the *Sustainable Environment Strategy 2012-2013 Annual Action Plan*, commencement and completion of nominated projects for 2012-2013 may be delayed. Opportunities to obtain grant funding may be lost and projects that are already under way could be put at risk.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states (Objective 1):

"Natural and Built Environment:

1.1 *Improve and maintain environment and infrastructure*

1.1.3 *Take action to reduce the Town's environmental impacts and provide leadership on environmental matters.*

(a) *Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the Town acts in an environmentally sustainable manner in all of its operations."*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for this plan:

ENVIRONMENTAL	
Issue	Comment
The overarching objectives of this City's Sustainable Environment Strategy are: 1. To ensure that the City acts in an environmentally sustainable manner in all of its operations; and 2. To encourage, empower and support the City's community to live in an environmentally sustainable manner. This <i>Sustainable Environment Strategy Implementation Plan 2011-2016</i> and <i>2012-2013 Annual Action Plan</i> set out the projects and actions for the City to implement to achieve these objectives.	

SOCIAL/ECONOMIC	
Issue	Comment
The City's Sustainable Environment Strategy recognises that sustainability has three interdependent components (environment, society, economy) and that environmental sustainability cannot exist in isolation. Therefore, while the objectives of the City's Sustainable Environment Strategy relate specifically to environmental outcomes, due consideration has also been given to social and economic factors in the development of the <i>Sustainable Environment Strategy Implementation Plan</i> and <i>2012-2013 Annual Action Plan</i> .	

FINANCIAL/BUDGET IMPLICATIONS:

The funding necessary for implementation of the projects and actions set out in the *Sustainable Environment Strategy 2012-2013 Annual Action Plan* has been allocated in the City's Draft Budget 2012-2013. Specific projects have designated budget items as follows:

Project	Budget Item	Budget Amount
Vincent Greening Plan	Greening Plan	\$100,000
Eco-Zoning	Eco-Zoning Implementation Plan	\$30,000
Street Tree Enhancement Program	Street Tree Enhancement Program	\$75,000

Project	Budget Item	Budget Amount
Weed Control Program	Weed Control Program	\$90,000
Local Plant Sales	Local Plants Projects	\$5,000
Community Garden – Woodville Reserve	Community Garden – Woodville Reserve	\$15,000
Energy Use Monitoring	Environmental Monitoring	\$6,000
Corporate Energy Management Plan	Energy Audit	\$25,000
Vehicle Fleet Reduction	Carbon Fleet offset Program	\$16,000
Workplace Travel Plan	Travel Smart Actions	\$10,000
General Communications	Environmental Promotion	\$10,000
Environmental Grants and Awards	Environmental Grants and Awards	\$15,000
Building Design Awards	Building Design and Conservation Awards	\$10,000
Water Use Monitoring	Environmental Monitoring	\$6,000
Hyde Park Lakes Restoration	Hyde Park Lakes Restoration	\$3.5m – 4million

Expenditure associated with other projects and actions will be incurred under the following budgeted items:

Budget Item	Budget Amount
Climate Change Planning	\$10,000
Promotion of Sustainable Design	\$10,000
Sustainable Environment Plan (Sustainability Programs)	\$20,000
Education/Workshops	\$10,000
Sustainable Environment Implementation Plan (Environmental Programs)	\$25,000
Environmental Initiatives	\$12,000

COMMENTS & CONCLUSION:

The *Sustainable Environment Strategy Implementation Plan 2011-2016* provides a concise overview of all strategy actions set out in the City's *Sustainable Environment Strategy 2011-2016*, with clearly designated years of implementation and a linkage to priority focus areas as nominated by the City's Sustainability Advisory Group. This layout allows for streamlined annual review and reporting.

The *Sustainable Environment Strategy 2012-2013 Annual Action Plan* sets out the proposed projects for the 2012-2013 financial year, breaking them down into component tasks to be carried out along a timeline. The layout of this plan allows for streamlined quarterly (or as-needed) reporting against the Sustainable Environment Strategy by staff across multiple directorates, and eliminates confusion around responsibility for individual strategy actions that span Sections or Directorates.

Based on the merits outline above, the City's Officers recommend that that Council endorse the *Sustainable Environment Strategy Implementation Plan 2011-2016* and draft *Sustainable Environment Strategy 2012-2013 Annual Action Plan* to ensure the timely commencement of projects proposed for 2012-2013.

9.2.1 Right of Way/Laneway Bounded by Richmond Street, Mitchell Freeway, Melrose and Oxford Streets, Leederville – Upgrade Contribution

Ward:	South	Date:	29 June 2012
Precinct:	Leederville (3)	File Ref:	PRO5365
Attachments:	001 – Right of Way Plan		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** contributing \$20,000 towards the upgrade of the private right of way/laneway bounded by Richmond Street, Mitchell Freeway, Melrose and Oxford Streets, Leederville as shown on the attached plan No. 2957-CP-01 estimated to cost \$38,500;
2. **REQUESTS** that the Council’s contribution is subject to;
 - 2.1 the remaining funds being contributed by the adjacent property owners;
 - 2.2 the ownership (including care control management), being transferred to the City of Vincent.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Pintabona, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Pintabona Seconded Cr

That clause 1 be amended to read as follows:

“That the Council;

1. **APPROVES** contributing ~~\$20,000~~ **one third (¹/₃) of the cost, or \$12,666** towards the upgrade of the private right of way/laneway, bounded by Richmond Street, Mitchell Freeway, Melrose and Oxford Streets, Leederville as shown on the attached plan No. 2957-CP-01, estimated to cost \$38,500;”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

NOTE: The Presiding Member Mayor Hon. Alannah MacTiernan requested that the Policy be reviewed to allow for the Council to contribute up to 50% of the upgrade.
--

PURPOSE OF REPORT:

To obtain the Council's approval for the City to contribute towards the upgrade of a right of way (ROW) before the scheduled upgrade date.

BACKGROUND:

ROW Bounded by Richmond St, Mitchell Freeway, Melrose and Oxford Street Leederville:

In early 2012 a request was received from an adjacent property owner for the Council to consider upgrading, i.e. sealing and draining, the privately owned right of way (ROW) at the above location as shown on the attached plan No. 2957-CP-01.

The City's ROW acquisition and upgrade program currently includes the progressive acquisition and upgrading of all ROWs in the City.

The Right of Way is currently owned by Charles Alfred Le Farrington, it appears that this person has deceased, however, the City has not ascertained whether a new title has been re-issued. This will be verified as part of this project, (if approved by the Council).

DETAILS:

Paving and Draining of Laneways and Rights of Way (ROWs), Policy No. 2.2.8:

In accordance with the Council's Guidelines and Policy Procedures for Laneways and Rights of Way (ROWs), Policy No. 2.2.8: upon a written request to upgrade a private laneway/ROWs being received, all adjoining property owners are to be notified in writing, that a request to upgrade the private laneway/ROW has been received and advised of the Council's policy.

The policy states that the City will contribute up to ($\frac{1}{3}$) one third of the overall cost to upgrade the laneway/ROW to a sealed and drained standard in accordance with the City's specification and all adjoining property owners must contribute equally a total of ($\frac{2}{3}$) two thirds of the overall costs of the upgrade.

Letter to Residents (in accordance with Policy No 2.2.8):

On 20 April 2012 a letter was sent to all property owners adjoining the above ROW advising of the request for the ROW upgrade and the terms and conditions outlined in the policy. They were advised that the ROW is in private ownership, and is not listed for acquisition and upgrade until 2016 /2017.

They were further advised that should they wish to pursue the upgrade ahead of schedule, the City's Upgrade Contribution Scheme is available to them whereby the City would contribute ($\frac{1}{3}$) one third of the cost of upgrading and the adjoining residents would need to commit to meeting the remaining ($\frac{2}{3}$) two thirds of the cost.

The adjoining property owners were advised that the estimated cost of draining and sealing these ROWs was \$38,500 of which Council would contribute \$12,836 and the owners of each adjacent lot would be required to contribute \$3,208 each.

Outcome:

The owners were provided with the terms and conditions of the policy and advised that there was no obligation for them to contribute however if the ($\frac{2}{3}$) two thirds resident contribution was not agreed to, the upgrade would not proceed.

At the conclusion of the twenty-one (21) day consultation period only two (2) owners agreed to pay and all owners were subsequently advised that the upgrade would not be proceeding.

On 1 June the City received a letter from the original applicant advising that he and his neighbour were prepared to contribute \$9,250 each (total \$18,500) towards the upgrade if the City agreed to contribute the remaining \$20,000.

Officer Comments/Discussion:

As mentioned above the Policy states that the City will contribute ($\frac{1}{3}$) one third of the cost of upgrade. In this instance this would be \$12,836. The request from the two (2) owners is that the City contribute \$20,000 i.e. an additional \$7,164.

Given that the two (2) owners have committed to a funding contribution of \$18,500 it is considered reasonable that the City should contribute an additional \$7,164 in this instance (which is approximately 50% of the upgrade cost).

This will ensure the ROW is upgraded which will improve the amenity for the adjoining residents and will obviate the need for the City to fully fund the ROW upgrade in the future.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The ROW upgrade will improve amenity/access for adjoining residents

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City's contribution can be funded the contribution to upgrade ROWs allocation in the budget (\$10,000 allocated in 2011/2012 and \$10,000 allocated in 2012/2013).

COMMENTS:

The estimated cost of the ROW upgrade is \$38,500. With the two (2) owner's contribution of \$18,500 the City will need to contribute \$20,000 to the upgrade \$7,164 more than it would normally be liable for in accordance with the policy.

It is however recommended that in this instance given the sizable funding commitment from the two (2) owners that the Council support the request to contribute additional funds.

9.2.2 City of Vincent 2012 Garden Competition

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the recommendation of the City of Vincent Garden Awards Advisory Group as follows;
 - 1.1 the 2012 Garden Competition be continued as outlined in the report, with entries to close on Friday 28 September 2012, and the final judging to be carried out on Saturday 6 October 2012;
 - 1.2 the final judging panel to comprise of Councillors Buckels, Pintabona and Wilcox, Director Technical Services, Manager Parks & Property Services, Adele Gismondi (Water Corporation) and Lynda Quinn (2011 winner – Best Residential Front Garden); and
2. **AUTHORISES** the Chief Executive Officer in liaison with the Mayor to;
 - 2.1 conduct a function, inviting competition entrants/partners and sponsors to the event, to be held at the City of Vincent Administration and Civic Centre on Wednesday 14 November 2011, commencing at 6.00pm; and
 - 2.2 approve of an alternative date for the function, if circumstance requires this.

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation, together with the following change(s), be adopted:

That clause 1.1 be amended to read as follows:

“That the Council;

1. **APPROVES** the recommendation of the City of Vincent Garden Awards Advisory Group as follows;
 - 1.1 the 2012 Garden Competition be continued as outlined in the report except that the category 'Best Courtyard and/or Rear Garden' be amended to 'Best Front Courtyard or Balcony Garden', with entries to close on Friday 28 September 2012, and the final judging to be carried out on Saturday 6 October 2012;”

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

That clause 1.1 be amended to read as follows:

- “1.1 the 2012 Garden Competition be continued as outlined in the report and a new category 'Best Front Courtyard or Balcony Garden' be added to the competition, with entries to close on Friday 28 September 2012, and the final judging to be carried out on Saturday 6 October 2012;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **APPROVES** the recommendation of the City of Vincent Garden Awards Advisory Group as follows;
 - 1.1 the 2012 Garden Competition be continued as outlined in the report and a new category 'Best Front Courtyard or Balcony Garden' be added to the competition, with entries to close on Friday 28 September 2012, and the final judging to be carried out on Saturday 6 October 2012;
 - 1.2 the final judging panel to comprise of Councillors Buckels, Pintabona and Wilcox, Director Technical Services, Manager Parks & Property Services, Adele Gismondi (Water Corporation) and Lynda Quinn (2011 winner – Best Residential Front Garden); and
2. **AUTHORISES** the Chief Executive Officer in liaison with the Mayor to;
 - 2.1 conduct a function, inviting competition entrants/partners and sponsors to the event, to be held at the City of Vincent Administration and Civic Centre on Wednesday 14 November 2011, commencing at 6.00pm; and
 - 2.2 approve of an alternative date for the function, if circumstance requires this.

PURPOSE OF REPORT:

The purpose of this report to seek approval for the dates and format of the 2012 Garden Competition as outlined by the City of Vincent Garden Competition Advisory Group.

BACKGROUND:

Since the City's inception in 1995 there has been an Annual Spring Garden Competition which is open to all owners/occupiers who have resided in the City for at least six (6) months.

This annual event has been a great success, with in excess of one hundred (100) category entries received each year. Residents are keen to be a part of the competition and phone throughout the year requesting information on dates and categories and some submit entries as early as July of each year.

DETAILS:

The City of Vincent Garden Awards Advisory Group met on Thursday 14 June 2012 to discuss the format and to finalise dates for the 2012 City of Vincent Garden Competition.

Conditions of Entry

No changes to the Conditions of Entry were recommended by the Garden Awards Advisory Group and therefore they remained unchanged from 2011.

Categories

As recommended by the City of Vincent Garden Awards Advisory Group, the categories for the 2012 Garden Competition remained unchanged from last year and are as follows:

- Best Residential Front Garden;
- Best Kept Verge;
- Best Courtyard and/or Rear Garden;
- Best Vegetable or Food Garden;
- Best Kept Street/Part Street; and
- Catchment Friendly Garden.

Judging

As in previous years it is again recommended that the preliminary judging will again be undertaken by the City's horticultural staff and preliminary judging for the Catchment Friendly Garden will be undertaken by Claise Brook Catchment Group (CBCG) members, the Parks Services Technical Officer and the Project Officer – Parks & Environment.

Final judging will be undertaken on the morning of Saturday 6 October 2012 and it is proposed that the 2012 judging panel will consist of members of the City of Vincent Garden Awards Advisory Group, Adele Gismondi from the Water Corporation and a community judge.

- Cr Matt Buckels;
- Cr John Pintabona;
- Cr Julia Wilcox;
- Director Technical Services;
- Manager Parks & Property Services;
- Adele Gismondi – Water Corporation; and
- Lynda Quinn (*Winner- 2011 Best Residential Front Garden*).

Function/Awards/Prize Money

There were no changes recommended to the prize money allocations over the various categories. The Catchment Friendly Garden category is sponsored by the Water Corporation through the CBCG, and their sponsorship has again been sourced.

The Garden Awards Advisory Group resolved that if the North Perth Community Bank continues to contribute the usual \$500 towards the competition, rather than raffle off the \$500 account then if in agreement the First Prize for the Best Residential Front Garden category could be sponsored by the bank and other cash prizes by other sponsors.

This matter will be further progressed and discussions undertaken with sponsors in due course.

The prize money allocations for the 2012 Garden Competition have been recommended by the City of Vincent Garden Awards Advisory Group as follows:

Best Residential Front Garden
Catchment Friendly Garden

- First Prize \$500 plus trophy
- Second Prize \$300 plus certificate
- Third Prize \$200 plus certificate

Best Courtyard and/or Rear Garden
Best Vegetable Garden or Food garden
Best Kept Verge

- First Prize \$250 plus trophy
- Second Prize \$150 plus certificate
- Third Prize \$100 plus certificate

Best Kept Street/Part Street and Mayor's Encouragement Award

To encourage owner/occupiers to tidy up their streets prior to the final judging a flyer will again be sent out to all houses within the street entered. A specialised street sign will again be provided for the Best Kept Street/Part Street category and it is envisaged that a small street party/BBQ be arranged in the event that a street wins this award.

A quality pair of Swiss made "Felco" secateurs will be presented for the Mayor's Encouragement Award.

As in previous years, the awards presentation night will also include a number of raffles or give-away prizes provided by the numerous sponsors.

Sponsorship

No additional sponsors have been sought at this time, however officers are working on further sponsorship continually throughout the year

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in local community papers during August/September 2012 and entry forms have been included in the "Mayor's Message" with the rates notices.

Posters have been placed at various locations around the City advertising the competition and entry forms are also available at the front desk of the Administration Civic Centre, City's Library and via the City's website.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Community Development and Wellbeing"

Objective 3.1: Enhance and promote community development and wellbeing.

3.1.5: "Promote and provide a range of community events to bring people together and to foster a community way of life."

SUSTAINABILITY IMPLICATIONS:

In keeping with the City's commitment to environmental sustainability and water wise principles, all entries are being evaluated in accordance with waterwise criteria, including, the use of native plants, water saving measures and demonstrated controlled use of fertilisers and pesticides.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2012 City of Vincent Garden Competition are as follows:

A total of \$15,000 has been allocated in the City's 2012/2013 draft budget.

In addition to this amount, \$1,260.00 will be received from the Water Corporation for the Catchment Friendly Garden prize money and trophy and as in previous years up to \$2,000 is expected in cash donations from sponsors who have been associated with the competition.

COMMENTS:

It is therefore recommended that the Council approves the 2012 Garden Competition as detailed within the report, with entries to close on Friday 28 September 2012.

9.2.6 Proposed Installation of Unisex Toilet Facility and Improved Parking - Auckland/Hobart Street Reserve

Ward:	North	Date:	2 July 2012
Precinct:	North Perth; P8	File Ref:	RES0037
Attachments:	001 Hobart Street – Concept Plan		
Tabled Items:			
Reporting Officers:	J. van den Bok; Manager Parks & Property Services; and R. Lotznicker; Director Technical Services		
Responsible Officer:	R. Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the proposed improvements in and around the Auckland/Hobart Street Reserve, estimated to cost \$92,000, as shown on attached plan No. 2901-CP-01A;
2. **CONSULTS** with the community in accordance with the City's Consultation Policy NO: 4.1.5 (Clause 7 – Non-Statutory and General) and holds a public meeting during the consultation process; and
3. **NOTES** that a further report will be submitted to the Council at the conclusion of the consultation process and following the public meeting.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

Cr Buckels departed the Chamber at 7.55pm.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of some proposed improvements (toilet and embayed parking) in and around the Auckland/Hobart Street Reserve.

BACKGROUND:

Auckland/ Hobart Street Reserve is a small enclosed reserve of approximately 2000m² and comprises of a large shaded playground area, seating, drinking fountain and a well maintained grassed area.

This reserve, whilst small in area, is one of the most well patronised local community parks within the City and also attracting people from adjacent local government areas.

With the recent opening of a Cafe/coffee shop opposite the park, the area is becoming more popular and in view of this additional parking, safer pedestrian crossing points and a public toilet facility are considered necessary to improve the amenity of the users.

DETAILS:

Parking

With the increased use of the reserve parking is at a premium and it is proposed to construct 90 degree parking and associated traffic calming along the Hobart Street frontage of the reserve as shown on attached plan No. 2901-CP-01A.

The verge area is wide enough to accommodate fourteen (14) new bays and one ACROD bay resulting in a net gain of nine (9) bays.

Funds for this work have been allocated in the 2012/2013 budget. Additional trees will be planted along the verge area.

It is considered appropriate that, budget permitting, porous pavers or similar be trailed at this location.

Toilet Facility

With the redevelopment of nib Stadium, some surplus items will become available. One of those items being a universal unisex transportable toilet. It has been suggested that this toilet be relocated and installed in the reserve as shown on plan No. 2901-CP-01A. The toilet will be suitably screened with lattice and vegetation.

Funds have been allocated in the 2012/2013 budget to install, connect services etc.

CONSULTATION/ADVERTISING:

Consultation for a period of fourteen (14) days with the local community (within a radius of 500metres) and also via a public meeting to be held on site at a date to be determined.

LEGAL/POLICY:

Installation of the toilet will comply with the necessary standards as prescribed in the Building Code of Australia (BCA). The proposed parking will comply with the relevant Australian Standards

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposal will provide another universally accessible public toilet facility for the general community in the North Perth area. Given the significant use of this local reserve it is deemed as an appropriate location for this installation.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective: 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost of the Toilet works is \$17,000 and the car parking is \$75,000. Adequate funds have been included in the 201/2013 budget to undertake these works.

COMMENTS:

It is considered that the proposed improvements will result in an improved amenity for all park users and it is requested that the officer recommendation be adopted.

9.5.2 Review and Adoption of Delegated Authority Register 2012/2013

Ward:	Both	Date:	29 June 2012
Precinct:	All	File Ref:	ADM0038
Attachments:	Nil		
Tabled Items:	001 – Delegated Authority Register 2012/2013		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) **ENDORSES** the review of its Delegated Authority Register, in accordance with Section 5.46(2) of the *Local Government Act 1995* (“the Act”); and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register 2012/2013, as shown in Appendix 9.4.3 (electronic attachment 001 and Tabled Item).

Cr Buckels returned to the Chamber at 7.57pm.

COUNCIL DECISION ITEM 9.5.2

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and consider its delegations to the Chief Executive Officer and to approve of the Delegated Authority Register for the 2012/2013 year.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and duties.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the “day to day” functions of the City’s Administration. The CEO exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

The Chief Executive Officer has reviewed the current Delegated Authority Register and it is advised that two delegations require rewording as follows;

Reworded Delegations

No: 5.10 Dog Act 1976 – Appointment of Authorised Persons

Function to be performed	A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by the <i>Dog Act 1976</i> .
Legislative power to appoint	<i>Dog Act 1976, Section 29(1)</i> . - <u>Power to seize strays etc.</u> 33(E) – <u>A dog may be declared to be a dangerous dog.</u>

Officers Appointed	Chief Executive Officer Director Community Services Manager Ranger and Community Safety Services Co-ordinator Ranger Safety Services All Rangers
Appointment	The above Officers are appointed to undertake the power of the authorised persons under the <i>Dog Act 1976</i> , the <i>Dog Regulations 1976</i> and the <i>Dog (Restricted Breeds) Regulations No. 2 2002</i> . The appointment includes the power of an authorised person to declare a dog to be a dangerous dog under Section 33E of the Act.
Conditions and Reporting Requirements	Withdrawal of an Infringement Notice can only to be approved by the Chief Executive Officer or Director Community Services or Manager Ranger and Community Safety Services. <u>1. The Chief Executive Officer is authorised to declare a dog to be dangerous. Pursuant to <i>Dog Act 1976 Section 33E</i>.</u> <u>2. The Chief Executive Officer is authorised to sign any Warrant to seize, detain and deal with any dog pursuant to Section 29 (5a), in accordance with Sections 33G or 39.</u>

No: 5.11 Dog Act 1976 – Appointment of Authorised Persons to Withdraw Infringement Notices

Function to be performed	A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by the <i>Dog Act 1976</i> .
Legislative power to appoint	<i>Dog Act 1976, Section 29(1)</i> .
Officers Appointed	Chief Executive Officer Director Community Services Manager Ranger and Community Safety Services Co-ordinator Ranger Services All Rangers
Appointment	The above Officers are appointed to undertake the power of the authorised persons under the <i>Dog Act 1976</i> , the <i>Dog Regulations 1976</i> and the <i>Dog (Restricted Breeds) Regulations No. 2 2002</i> . The appointment includes the power of an authorised person to declare a dog to be a dangerous dog under Section 33E of the Act. <u>The appointment includes the power of an authorised person to issue and withdraw an infringement Notice.</u>
Conditions and Reporting Requirements	Withdrawal of an Infringement Notice can only to be approved by the Chief Executive Officer or Director Community Services or Manager Ranger and Community Safety Services.

Chief Executive Officer's Comment:

Delegations 5.10 and 5.11 require to be reworded to remove ambiguity and to be more precise with their wording.

A serious dog attack occurred in May 2012 necessitating the possible use of delegation 5.10, declaring a dog to be "dangerous". Whilst the delegation was not used at the time, it did highlight the need for it to be more clearly written. (Changes are shown in underline and strike-thru).

Stadium Management Committee

The Council's stadium Management Committee was rescinded as the stadium is now leased to the State Government. Accordingly, the delegation to the committee is no longer required and has been deleted.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the City; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power it to keep appropriate records.

Quarterly reports detailing the administration's use of delegations are reported to the Council as follows:

Period	Report to Council
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

Section 5.46(2) of the Local Government Act 1995 requires the Council to carry out a review of its delegations at least once every financial year.

The person to whom a power or duty is delegated is to keep records in accordance with the Act and Regulations.

RISK MANAGEMENT:

High: Failure to review the Delegated Authority Register each year would be a breach of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2011-2016 – Leadership, Governance and Management, Objective 4.1.2 – "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegated Authority Register has resulted in two reworded delegations. The remaining delegations are identical to the 2011/2012 delegations, except for several changes to the title of Policies referred to in the Register. These do not require the approval of the Council - however, form part of the Delegation.

Accordingly, it is recommended that the Council endorse the review and approve of the Delegated Authority Register 2012/2013.

9.5.5 LATE REPORT: Tamala Park Regional Council – New Power of Attorney to Sell/Dispose Land within Tamala Park

Ward:	-	Date:	6 July 2012
Precinct:	-	File Ref:	PRO0739
Attachments:	-		
Tabled Items:	New Power of Attorney Documentation		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to authorise the Tamala Park Regional Council the Power of Attorney to act on behalf of the City of Vincent to sell/dispose of land within Lot 9504 of Certificate of Title 2230, Folio 333, including all matters detailed in this report:**
2. **AUTHORISES the Mayor and Chief Executive Officer to sign the Power of Attorney document and affix the Council's Common Seal.**

COUNCIL DECISION ITEM 9.5.5

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Carey and Cr Harley on approved leave of absence.)

PURPOSE OF REPORT:

For the Council to authorise the Tamala Park Regional Council (TPRC) a New Power of Attorney to sell/dispose of land within Tamala Park.

BACKGROUND:

Previous report to the Council

This matter was previously report to the Council on the 27 September 2011.

The City of Vincent is a Member of the TPRC along with the Cities of Perth, Stirling, Joondalup, Wanneroo and the Towns of Cambridge and Victoria Park. The TPRC recently wrote to all of it's Member Council's requesting a Power of Attorney to act on their behalf.

Establishment Agreement

The TPRC is a Regional Council which has been set up for the regional purpose, via an Establishment Agreement to:

- 4(a) *undertake in accordance with the Council's objectives, the rezoning, subdivision, development, marketing and sale of land; and*
- 4(b) *carry out and do all other acts and things which are reasonably necessary for the bringing into effect the matters referred to in paragraph (a)."*

TPRC Objectives

The objectives of the TPRC referred to in Clause 4(a) and (b) above is as follows, to:

- “5(i) develop and improve the value of the land;*
- 5(ii) maximise, within prudent risk parameters, the financial return to the Participants (Member Councils);*
- 5(iii) balance economic, social and environmental issues; and*
- 5(iv) produce a quality development demonstrating the best urban design and development practice.”*

The land referred to in Clauses 4 and 5 above is Lot 9504 of Certificate of Title 2230, Folio 333.

New Power of Attorney

The New Power of Attorney will give the TPRC powers in relation to the Tamala Park land and includes the following matters:

- (a) Contract of sale (which includes without limitation the decision to sell, the selling price and the terms and conditions of sale);
 - (b) Transfer of Land;
 - (c)# Easement;
 - (d)# Application for surrender or extinguishment of easement;
 - (f)# Caveat;
 - (g)# Withdrawal of Caveat;
 - (h) Application for new Certificates of Title for any subdivision of land;
 - (i) Application for Subdivision;
 - (j)# Deed of restrictive covenant;
 - (k)# Surrender of restrictive covenant;
 - (l)# Section 70A Notification;
 - (m)# Section 165 Notification; and
 - (n)# Deed of novation, deed of covenant or other deed
- (# New Powers requested.)

The TPRC has now progressed the land development to a stage whereby a number of lots have already been sold. At the Tamala Park Regional Council Meeting held on the 21 June 2012, the Council provided authorisation to seek a power of Attorney covering all land dealings relating to the TPRC land holding from the Member Councils. This New Power of Attorney is considered necessary in order to avoid any potential delays in the future associated with land dealings with the Tamala Park Project. The signing of any legal documents relating to the sale/dispose of TPRC land would normally require each of the Member Councils to sign and affix their respective Common Seal. As can be appreciated, this would become a cumbersome and time consuming process.

The TPRC has obtained further legal advice which recommends that each of the Member Councils gives Power of Attorney to the TPRC to effect the sale/dispose of land and this has been provided to each Member Council.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 3.61(1) of the *Local Government Act 1995* allows for two or more Local Governments to establish a Regional Council.

Section 5.38 of the *Local Government Act 1995* prescribes the requirements for the disposal of land.

The TPRC Establishment Agreement prescribes the objectives of the Regional Council.

RISK MANAGEMENT IMPLICATIONS:

Low: The TPRC is required to comply with all the legal requirements of the *Local Government Act 1995* and also act in the best interest of its Member Councils.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011-2016, Key Result Area 4.1.2 – *“Manage the organisation in a responsible, efficient and accountable manner”*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil, however, the Power of Attorney will result in considerable Officer and Administration time savings.

COMMENTS:

Each of the Member Councils has been requested to sign the New Power of Attorney in which is considered to be a relatively routine administrative matter for the sale/disposal of land. This New Power of Attorney supersedes the previous Power of Attorney which was signed in September 2011.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Mayor Hon. Alannah MacTiernan – Request to Change a Previous Council Decision concerning the purchase of “Green Power” energy

That:

1. at its Ordinary Meeting held on 24 July 2007 (Item No. 10.2.2 , Clauses (iii) and (iv), the Council decided that:

“That the Council;

- (i) RECEIVES a report on the investigation of Renewable Energy by the Town;*
- (ii) NOTES.....*
- (iii) APPROVES;*
 - (a) the purchase of Natural Power equivalent to 25% of the Town’s annual electricity consumption for its facilities and buildings’;*
 - (b) the display of “GreenPower” logo on the Town’s buildings, advertising and stationary as determined by the Chief Executive Officer;*
- (iv) ADVISES Synergy Energy of its decision and makes application for 25% of the Town’s annual electricity consumption to be sourced from “Natural Power”.*

2. Councillor Maier moves a motion to CHANGE the decision by deleting:

- (iii) APPROVES;*
 - (a) the purchase of Natural Power equivalent to 25% of the Town’s annual electricity consumption for its facilities and buildings’;*
 - (b) the display of “GreenPower” logo on the Town’s buildings, advertising and stationary as determined by the Chief Executive Officer;*

3. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Hon. Alannah MacTiernan, Cr Pintabona and Cr Maier being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meetings held on 24 July 2007 (Item 10.2.2), as shown below:

4.1 deleting:

(iii) APPROVES;

(a) the purchase of Natural Power equivalent to 25% of the Town's annual electricity consumption for its facilities and buildings';

(b) the display of "GreenPower" logo on the Town's buildings, advertising and stationary as determined by the Chief Executive Officer;

4.2 and inserting:

"APPROVES BY AN ABSOLUTE MAJORITY;

4.2.1 the placement of the monies allocated for the purchase of "Green Power", estimated to be \$85,000 in the 2012-13 Annual Budget, into a provision account for renewable energy initiatives; and

4.2.2 to AUTHORISE the Sustainability Advisory Group to recommend a Western Australian Local Government Association (WALGA) Preferred Supplier to provide a detailed Energy Management Plan incorporating energy efficiency and options for renewable and on-site generation on completion of the quotation procurement process."

COUNCIL DECISION ITEM 10.1

Moved Cr Maier Seconded Cr Pintabona

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 8.10pm Moved Cr Topelberg Seconded Cr Pintabona

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Carey and Cr Harley on approved leave of absence.)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Ben Doyle	Town Planning Consultant
Carla Fox	Environmental Consultant

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 CONFIDENTIAL REPORT: No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre – State Administrative Tribunal (SAT) DR 378 of 2011

Ward:	South	Date:	2 July 2012
Precinct:	Oxford Centre; P04	File Ref:	PRO0143; 5.2010.524.4
Attachments:	Confidential: 001 – Site Aerial Confidential: 002 – Minute of Consent Orders		
Tabled Items:	Confidential: Transport Assessment Report Uloth and Associates 25 June 2012; Confidential: Water Corporation submission in support of extra parking bays dated 23 April 2012		
Reporting Officer:	B Doyle, Director Planning Solutions (Consultant)		
Responsible Officer:	C Eldridge, Director Planning Services R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES** the draft Minute of Consent Orders Matter No. DR 378 of 2011 contained in Attachment 002, for the purpose of resolving the application for review by consent; and
2. **AUTHORISES** the Chief Executive Officer to sign the endorsed Minute of Consent Orders in 1 above, under Delegated Authority from the Council.

NOTE: The Chief Executive Officer has released this report for Public information.

The Presiding Member Mayor Hon. Alannah MacTiernan welcomed Ben Doyle- Planning Consultant and Carla Fox – Environmental Consultant to the meeting.

The Presiding Member informed the meeting that Cr McGrath had disclosed a Financial Interest – he requested approval to participate in debate only and his request was approved by the Council.

COUNCIL DECISION ITEM 14.1

Moved Cr Buckels Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Wilcox and Cr Pintabona departed the Chamber at 8.10pm.

Cr Wilcox and Cr Pintabona returned to the Chamber at 8.11pm.

Cr McGrath departed the Chamber at 8.27 pm.

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Carey and Cr Harley on approved leave of absence.)

(Cr McGrath was out of the Chamber and did not vote.)

PURPOSE OF REPORT:

This proposed State Administrative Tribunal mediated outcome requires referral to the Council for approval, as the matter involves modifications to conditions imposed by a Council's previous decision.

BACKGROUND:

21 June 2006 The draft Municipal Heritage Inventory was released for public comment. The City advised the Water Corporation in a letter dated 21 June 2006, that the John Tonkin Water Centre was included on the draft Municipal Heritage Inventory as a Management Category A - Conservation Essential and invited the Water Corporation to provide comment on the proposed heritage listing.

3 April 2007 The Council at its Special Meeting considered a Confidential Item relating to the proposed listing of the John Tonkin Water Centre at No. 629 Newcastle Street, Leederville onto the City's Municipal Heritage Inventory and resolved as follows:

"That the Council: ...

(3) DEFERS consideration of 629 (Lot 100) Newcastle Street, Leederville, until early 2008, when the Water Corporation Masterplan has been completed; and ..."

2 April 2008 The Council at its Special Meeting considered a report relating to Leederville Masterplan Progress Report No. 7 - Outcomes of Community Consultation and Design Review (Item 7.1). In this report, special consideration was given to the heritage value of the subject place the John Tonkin Water Centre - No. 629 (Lot 100), Newcastle Street, Leederville. In relation to this place, the Council resolved that it:

"(ix) RECEIVES the Heritage Assessment as attached in Appendix No. 6, relating to the John Tonkin Water Centre located at Nos. 629 (Lot 100) Newcastle Street, Leederville and DETERMINES NOT to include the place on the Town's Municipal Heritage Inventory and condition that prior to any redevelopment of the site, an interpretation plan is submitted and approved by the Council that reflects the historical significance of the site, as detailed in the Heritage Assessment, as shown in Appendix 6;".

History

Date	Comment
13 September 2011	<p>Council at its Ordinary Meeting considered an application for Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre.</p> <p>Council resolved as follows:</p> <p><i>"That the item be DEFERRED to enable the Water Corporation and the City of Vincent to meet and resolve traffic issues, in consultation with Main Roads Western Australia, the Department of Transport and the Department of Planning."</i></p>

Date	Comment
11 October 2011	Council at its Ordinary Meeting approved an application for Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre, subject to a number of conditions.
4 November 2011	Applicant lodged application for review with the State Administrative Tribunal, with regard to conditions 1.3, 1.4, 2.1, 2.4, 3.1, 6, 11, 12.6, 12.13.1, 12.13.2, and Footnote 2.
18 November 2011	Directions Hearing before State Administrative Tribunal. The applicant and City's representative agreed to refer the matter for mediation.
9 January 2012	Mediation before State Administrative Tribunal.
10 February 2012	Meeting between Water Corporation (and representatives), City of Vincent Officers (and representatives), Main Roads Western Australia and Department of Transport.
6 March 2012	Meeting between Water Corporation (and representatives), City of Vincent Officers (and representatives), and Main Roads Western Australia.
16 March 2012	Mediation before State Administrative Tribunal.
7 June 2012	Meeting between Water Corporation (and representatives), City of Vincent Officers (and representatives), and Mayor Alannah MacTiernan.
14 June 2012	Meeting between Water Corporation (and representatives) and City of Vincent Officers (and representatives).
15 June 2012	Mediation before State Administrative Tribunal. The State Administrative Tribunal issued orders inviting the parties to exchange rewording of draft conditions, and to prepare consent orders for consideration by the Council.
21 June 2012	Meeting between Water Corporation (and representatives), City of Vincent Officers, and Main Roads Western Australia.

Previous Reports to Council

This matter was previously reported to the Council on 13 September and 11 October 2011.

The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 13 September 2011, and Item 9.1.1 from the Ordinary Meeting of Council held on 11 October 2011, relating to this report, are available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

Landowner:	Water Corporation of Western Australia
Applicant:	Cox Howlett Bailey Woodland
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
Existing Land Use:	Offices
Use Class:	Office, Multiple Dwellings, Shops, Eating House, Day Nursery
Use Classification:	P, AA, P, P, AA
Lot Area:	40,149sqm
Right of Way:	Not applicable

The proposed development comprises a mixed-use development consisting of six (6) multi-storey buildings (between 10 and 27 storeys) containing Offices, Shops, Eating Houses and Multiple Dwellings (240 units), and basement car parking, and demolition of the existing two storey building on Newcastle Street, known as the Monarch Laundry site, alterations and extensions to the existing John Tonkin Water Centre, including a Child Care Centre

The disputed conditions have been the subject of discussions through the SAT mediation process (both within formal mediation sessions, and informal meetings between the applicant, City and referral agencies). The mediation has now reached the point where the applicant and City (and referral agencies) have reached 'in principle' agreement on proposed modified conditions.

In order to resolve the matter through mediation, it is proposed to request the SAT issue 'Consent Orders', whereby the SAT makes a decision with the consent of the parties. In order for the Consent Orders to be prepared, it is necessary to obtain Council's endorsement of the proposed amended conditions, and for the Council to authorise the Chief Executive Officer to sign the Consent Orders.

Disputed conditions

Condition 1.3 – Environmentally Sustainable Design	
Original condition	Proposed condition
<p>The proposed development shall incorporate design features that comply with a minimum 5 Star Green Star rating under the Green Building Council of Australia rating system;</p>	<p>The development is to meet the following minimum Environmentally Sustainable Design (ESD) requirements in respect of each stage:</p> <p>1.3.1 PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City: The design of the proposed office buildings are to be certified by the Green Building Council of Australia as a 5-Star Green Star Office Design v3 rating (or the latest version of this tool at commencement of the project).</p> <p>1.3.2 PRIOR TO THE FIRST OCCUPATION OF THE BUILDING, the following shall be completed to the satisfaction of the City: The office building construction, on practical completion, is to be independently assessed by a suitable Green Star Accredited Professional appointed by the City, at the applicant's cost. The independent assessment is to include assessment of a full set of As Built drawings, with all results reported to the City as proof that construction met or exceeded the previously certified Green Building Council of Australia, 5-Star Green Star Office Design v3 rating (or the latest version of this tool at the time of certification), as required by Condition 1.3.1.</p> <p>1.3.3 PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City: The design of the proposed residential dwellings is to be certified by the Green Building Council of Australia as a 4-Star Green Star Multi Unit Residential Design v1 rating (or the latest version of this tool at commencement of the project).</p>
	<p>1.3.4 PRIOR TO THE FIRST OCCUPATION OF THE BUILDING, the following shall be completed to the satisfaction of the City: The residential dwelling construction, on practical completion, is to be independently assessed by a suitable Green Star Accredited Professional appointed by the City, at the applicant's cost. The</p>

Condition 1.3 – Environmentally Sustainable Design	
Original condition	Proposed condition
	<i>independent assessment is to include assessment of a full set of As Built drawings, with all results reported to the City as proof that construction met or exceeded the previously certified Green Building Council of Australia 4-Star Green Star Multi Unit Residential Design v1 rating (or the latest version of this tool at the time of certification), as required by Condition 1.3.3.</i>
Comment	
<p>With regard to the original condition, the applicant's Grounds of Review, submitted to the SAT, stated:</p> <p style="text-align: center;"><i>"It is considered that this is not an appropriate condition as:</i></p> <p style="margin-left: 40px;">(a) <i>Achieving the environmental rating is subject to approval from [sic] a third party and may not be able to be achieved;</i></p> <p style="margin-left: 40px;">(b) <i>The condition does not indicate which rating tool i.e. design or build; and</i></p> <p style="margin-left: 40px;">(c) <i>There is no policy framework to enforce a minimum environmental rating."</i></p> <p>The Leederville Master Plan Built Form Guidelines are adopted by the Council under Clause 47 of TPS1. Part 4.0 of the Built Form Guidelines details General Conditions for development, and Section 4.3 pertains specifically to Environmental Sustainability, stating:</p> <p><i>All new developments are required to demonstrate best practice ecologically sustainable design by achieving a minimum of 4 star 'best practice' under the Green Building Council of Australia (GBCA) rating system. Identified icon buildings are required to achieve a minimum 5 star GBCA rating.</i></p> <p>Accordingly, it is considered the requirement to satisfy a minimum environmental rating has a sound basis in the adopted policy framework, and is therefore a valid planning condition.</p> <p>The subject site is not explicitly identified as an 'icon building' site within the Built Form Guidelines; however, it is considered the significant scale of the proposed buildings results in the development being appropriately assessed as an 'icon building'. The applicant's concern with the imprecision of the original condition is noted, and this is proposed to be addressed through the inclusion of greater precision in the proposed amended condition. Essentially, the proposed modified condition provides for the following:</p> <ul style="list-style-type: none"> • Residential building/s design to be certified by GBCA as satisfying the requirements for a 4-star rating. • Residential building/s 'as built' to be independently certified as meeting or exceeding the GBCA certified 4-star design. • Office building/s design to be certified by GBCA as satisfying the requirements for a 5-star rating. • Office building/s 'as built' to be independently certified as meeting or exceeding the GBCA certified 5-star design. <p>It is considered that satisfying the GBCA 5-star residential requirements has the potential to result in a poorer built form outcome; for example, through reducing the area of windows to dwellings. Further, it is understood there has, to date, been only 1 residential development certified to 5-star 'design' stage, and none have yet been certified to 5-star 'as built', throughout Australia. Liaison with other Western Australian local authorities suggests only 1 (City of Fremantle) has imposed development conditions (on 2 approvals, to date) requiring GBCA certification (4-star) "<i>or equivalent</i>".</p> <p>Given the uncertainty within the policy framework, the absence of precedent regarding the SAT's consideration of the validity of such a condition (essentially requiring approval of a third party), and the uncertainty regarding the ability for the developer to comply with such a condition without requiring significant modifications to the approved development, it is considered appropriate to reach a compromise solution.</p>	

Condition 1.3 – Environmentally Sustainable Design	
Original condition	Proposed condition
<p>With regard to the office component, the applicant accepts the City's requirement for satisfaction of the GBCA 5-star criteria, and it is considered these are likely to be achievable without significant modifications to the design of the buildings. The condition has been modified to provide greater clarity regarding the 'design' and 'as built' requirements.</p> <p>With specific regard to Conditions 1.3.2 and 1.3.4, advice provided by the City's environmental consultant (Cundall) indicates the GBCA 'as built' certification process can take several months following completion of construction. However, in order to provide certainty that the developer will comply with the 'as built' requirements, it is desirable to require confirmation of compliance prior to issue of any Certificates of Occupancy. With this in mind, it would be unduly onerous to require the completed building to remain vacant for several months, while the GBCA certification process is carried out. Accordingly, it was agreed with the applicant that independent certification that the 'as built' development meets or exceeds the GBCA criteria (4-star for the residential component, 5-star for the office component) would be appropriate, as this could be commenced during construction, and completed very shortly after practical completion. For this reason, while Conditions 1.3.1 and 1.3.3 require GBCA certification of the 'design' phase, Conditions 1.3.2 and 1.3.4 provide for independent certification that the 'as built' phase satisfies the GBCA criteria.</p> <p>The modified condition is considered to result in a high quality, environmentally sustainable landmark development, and to also provide appropriate certainty to the City and the applicant.</p>	

Condition 1.4 – Floor Areas	
Original condition	Proposed condition
<p><i>The maximum gross floor area of the shops, offices and eating house shall be limited to 1540 square metres, 107846 square metres and 927 square metres respectively. Any increase in floor space or change of use of the shops, offices and eating house shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access; and</i></p>	<p><i>The maximum gross floor area of the shops, offices and eating house shall be limited to 1540 square metres, 107846 square metres and 1545 square metres respectively. Any increase in floor space or change of use of the shops, offices and eating house shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access; and</i></p>
<p>Comment</p> <p>The original condition incorrectly identified the aggregate gross floor area (GFA) of the Eating Houses at 927sqm, when this is in fact the net lettable area (NLA). The correct GFA is 1,545sqm, as indicated in the proposed modified condition.</p> <p>It is acknowledged that the City's recent practice has been to prescribe the 'public floor area' for Eating Houses, rather than GFA, reflecting the City's Policy 3.7.1 – Parking and Access, which calculates the car parking requirements for Eating Houses on the basis of public floor area. However, given the parking provision on the site has been assessed and approved on the basis of <i>restricting</i> on-site parking, based largely on the City of Perth Parking Policy, it is considered there is no reason for the condition to restrict the Eating House floorspace to public floor area as opposed to GFA.</p> <p>Accordingly, in the interests of simplicity and clarity, it is proposed to prescribe the GFA for the Eating Houses, as is the case for the other non-residential components of the development.</p>	

Conditions 2.1 and 2.4 – Reciprocal Parking	
Original conditions	Proposed conditions
<p>2.1 <i>The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;</i></p> <p>2.4 <i>The car park shall be used only by employees, tenants, and visitors directly associated with the development; and</i></p>	<p>2.1 Original condition to remain unchanged.</p> <p>2.4 <i>The car park shall be used only by residents, employees, tenants and visitors directly associated with the development; and'</i></p>
Comment	
<p>The applicant contended in the Grounds for Review that Condition 2.1 was inconsistent with Condition 2.4, as Condition 2.4 excluded residents from utilising the car park.</p> <p>It is considered the intent of Condition 2.1 is to require the non-residential car parking bays to be available for the use of residents (and residential visitors) outside normal business hours, and that the intent of Condition 2.4 is to prevent the use of the car park as a fee-paying public car park used by persons not otherwise associated with the development (that is, residents, employees, visitors, etc).</p> <p>In order to remove the inconsistency, without compromising the intent of the conditions, Condition 2.4 is proposed to be modified to add 'residents' to the list of permitted users of the car park area.</p>	

Condition 3.1 – Public Art	
Original condition	Proposed condition
<p>3. <i>Public Art</i> <i>The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:</i></p> <p>3.1 <i>Within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$1,500,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$150,000,000); and</i></p> <p>3.2 <i>In conjunction with the above chosen option;</i></p> <p>3.2.1 <i>Option 1 –</i> <i>prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and</i> <i>prior to the first occupation of the development,</i></p>	<p>3.1 <i>PRIOR TO THE ISSUE OF A BUILDING PERMIT for each stage of the development, the applicant is to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution (Option 2), for the equivalent value of one per cent (1%) of the building construction cost of the development as determined at the applicable building permit stage.</i></p> <p>3.2 <i>In conjunction with the above chosen option;</i></p> <p>3.2.1 Option 1 - <i>PRIOR TO THE ISSUE OF A BUILDING PERMIT for each stage of the development, obtain approval for the Public Art Project and associated Artist; and</i> <i>Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR</i></p>

Condition 3.1 – Public Art	
Original condition	Proposed condition
<p><i>install the approved public art project, and thereafter maintain the art work; OR</i></p> <p>3.2.2 Option 2 – <i>prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;</i></p>	<p>3.2.2 Option 2 <i>PRIOR TO THE ISSUE OF A BUILDING PERMIT for each stage of the development, the payment of one per cent (1%) of the building construction cost of development stated in the building permit or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.</i></p>
Comment	
<p>The applicant contended in the Grounds for Review that a contribution of \$1.5 million (being 1 per cent of the total development cost) was excessive.</p> <p>It is considered the 1 per cent public art contribution is consistent with the City's Policy No. 3.5.13 – Percent for Public Art. This requirement has been consistently applied to previous development approvals, and it is considered there is no basis to reduce the contribution amount.</p> <p>However, it was agreed in mediation that, given the development will be staged, it is appropriate to require the public art contribution to reflect the development staging. Accordingly, the condition is proposed to be modified to require the public art contribution (either Option 1 or Option 2) to be agreed prior to the issue of a Building Permit. In this way, the cost of construction (and consequent public art contribution requirement) may be established by reference to the Building Permit application and plans.</p> <p>It is considered the proposed modified condition retains the intent of the original condition, and importantly does not reduce the total amount payable, but allows for the public art contribution to reflect the staging of the development.</p>	
Condition 6 – Verge Trees	
Original condition	Proposed condition
<p><i>No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;</i></p>	<p>Original condition to remain unchanged.</p>
Comment	
<p>Following discussion and clarification in the course of SAT mediation, the applicant has withdrawn the objection to this condition.</p>	

Condition 11 – Newcastle Street Upgrade	
Original condition	Proposed condition
<p>11. <i>Authorises the Chief Executive Officer to enter into negotiations with the Water Corporation to determine a fair and equitable contribution for the proposed upgrading of:</i></p> <p>11.1 <i>Newcastle Street, between Loftus Street and Carr Place, to a maximum of 50 per cent of the total cost, inclusive of the standard upgrade conditions; and</i></p> <p>11.2 <i>The proposed upgrade of the footpaths, streetscapes and other, yet to be determined, infrastructure improvements in Leederville Parade, Loftus Street and the existing portion of Frame Court abutting the Water Corporation site;</i></p>	<p>11. <i>Prior to occupation of the first stage of the development, the applicant is to make the following road upgrade contributions:</i></p> <p>11.1 <i>A maximum 50% financial contribution (not exceeding \$675,000 indexed to CPI) to the total cost of upgrading and infrastructure improvements, in accordance with the City's plans and specifications (excluding undergrounding of power) to Newcastle Street, between Loftus Street and Carr Place;</i></p> <p>11.2 <i>A 100% contribution to the Recommended Stage 1 works (widening of northern footpath, new median island and southern cycle lane) on Leederville Parade in accordance with the 'Recommended 2-Stage Modifications – Leederville Parade West of Loftus Street' Plan (22 June 2012)' as prepared by Uloth and Associates; and</i></p> <p>11.3 <i>A 100% contribution to the reasonable upgrading of the existing portion of Frame Court, to a standard comparable with the proposed infrastructure upgrades to the Leederville Town Centre, where it directly abuts the development site.</i></p>
Comment	
<p>The applicant contended the following in the Grounds for Review:</p> <ul style="list-style-type: none"> <i>It is considered that this condition is inappropriate as the site only extends approximately half way on Newcastle Street between Loftus Street and Carr Street.</i> <i>It is considered that this condition is inappropriate given that the proposed development will contribute to only a small percentage of road traffic and footpath volumes at the Carr Place end of Newcastle Street.</i> <i>The condition identifies a contribution to footpaths, streetscapes and infrastructure improvements, however, the condition states that these are yet to be determined.</i> <i>This condition is not equitable and provides no certainty for the applicant in terms of the total cost and therefore this condition is inappropriate.</i> <p>It is considered the original condition is open-ended and uncertain, and ought to be modified to eliminate the potential for further unfettered exercise of discretion.</p> <p>With regard to the quantum of the contributions, it has been agreed between the parties that a 50 per cent contribution to the upgrade of Newcastle Street (excluding underground power, which is appropriately addressed by Condition 9 of the approval) reasonably relates to the development. The City's Technical Services advises a streetscape design has not been finalised or endorsed by the Council; however, the cost of any reasonable upgrade of the subject portion of Newcastle Street is unlikely to exceed a total cost of \$1.3 million. On this basis, a fixed contribution of 50 per cent of the total cost, not exceeding \$675,000, and indexed to CPI, is considered appropriate.</p> <p>With regard to Leederville Parade, the proposed works are in accordance with the recommendations of the Transport Assessment Report prepared by the applicant in accordance with Condition 12.13.2, and endorsed by Main Roads Western Australia (MRWA). It is agreed between the parties that the proposed works are reasonably related to the development, and a 100 per cent contribution to the works is appropriate.</p>	

Condition 11 – Newcastle Street Upgrade

Original condition	Proposed condition
--------------------	--------------------

With regard to Frame Court, it was agreed between the parties that the upgrading of the existing portion of Frame Court is reasonably related to the development, and a 100 per cent contribution to the works is appropriate. Although the works have not been specified, the applicant and City's Technical Services Officers have both indicated that they consider the requirement for "reasonable" upgrading to a standard comparable with the proposed infrastructure upgrades in the Leederville Town Centre, is sufficiently certain to form a valid basis for the condition.

With regard to Loftus Street, given this is a Primary Regional Road under the MRS, it is considered there is not sufficient nexus between the proposed development and any proposal to upgrade Loftus Street, to require a contribution from the applicant.

Condition 12.6 – Acoustic Report

Original condition	Proposed condition
--------------------	--------------------

<p><i>An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the Acoustic Report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;</i></p>	<p><i>An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted for each stage of the development. The recommended measures of the Acoustic Report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;</i></p>
---	--

Comment

The applicant contended in the Grounds for Review that the applicant "does not have any concerns with the requirement for an acoustic report, however, cannot agree to the second part of the condition requiring a further report after 6 months of occupation as the applicant will/may not have access to the site or residential dwellings to undertake this assessment".

It is considered the original condition imposes unduly onerous obligations on subsequent owners/occupiers of the development. It is considered the preparation of an Acoustic Report, and subsequent certification that the recommended measures have been implemented, is sufficient to address the reasonable requirements for mitigation of acoustic impacts. The ongoing operation of the development will be required to comply with the applicable Environmental Protection Regulations.

Condition 12.13.1 – Car Parking

Original condition	Proposed condition
--------------------	--------------------

<p><i>A maximum total of 1,143 car bays shall be provided on site for all proposed uses.</i></p>	<p><i>A maximum total of 1,193 car bays shall be provided on site for all proposed uses, subject to 50 bays not being accessed in peak periods. The Management Plan required under Condition 12.7 is required to identify the 50 bays permanently allocated for non-peak use. For the purposes of this condition, non-peak periods are defined as those outside clearway times in the Leederville Town Centre.</i></p>
--	--

Comment

The applicant contended the following in the Grounds for Review:

- It is proposed for the development to include 1,131 commercial car bays (includes 291 commercial bays retained for the Water Corporation).*

Condition 12.13.1 – Car Parking	
Original condition	Proposed condition
<ul style="list-style-type: none"> <i>The Council resolved that a maximum total of 1,143 car bays shall be provided on site for all proposed uses. Given that Condition 2.5 states a total of 340 bays shall be allocated for the residential multiple dwellings, and another 10 car bays for the residential visitors car parking, this in effect results in 793 car parking bays being permitted for commercial uses (includes 291 commercial bays retained for the Water Corporation).</i> <i>It is considered that condition 12.13.1 is inconsistent with the City of Vincent Local Planning No 1...</i> <i>The Scheme outlines that 2,480 car parking bays are required for the commercial component of the proposed development. Given its location in close proximity to the Leederville train station, bus services and public car parking, there is a reduction in the car-parking requirement permitted.</i> <i>When considering the adjustment factors and other provisions of the Scheme, the City determined that 1,350 car-parking bays are to be provided for commercial purposes while the applicant determined that 1326 bays are required.</i> <i>Condition 12.13.1 is inconsistent with the provisions of the Scheme, permitting 557 fewer car parking bays than required based on the City's calculation and 533 fewer bays based on the applicant's calculation.</i> <i>This condition was based on advice from Main Roads Western Australia (MRWA), the Department of Transport (DoT) and the Department of Planning (DoP). The DoT and DoP are of the view that parking numbers should be consistent with the CBD parking limits. However, the DoP also states that the development proposal should be accessed [sic] in accordance with the Town (City) of Vincent's Town Planning Scheme No. 1.</i> <i>The subject site is not within the area defined under the Perth Parking Policy and therefore CBD parking limits would not apply.</i> <i>Applying CBD parking limits where up to 300 commercial bays per hectare can be provided based on access, would result in 1,204 bays based on a site area of 4.0149 hectares. This is 411 car parking bays in excess of the 793 permitted under condition 12.13.1.</i> <p>In the course of mediation, the applicant indicated they would accept a modified condition allowing the provision of an additional 50 car parking bays, to a total of 1,193 bays. In support of the requested additional bays, the applicant provided a submission detailing the particular parking and access requirements of the Water Corporation, which the applicant asserts are distinct from a standard office. The applicant's submission is tabled.</p> <p>In response to the justification provided by the applicant, the following comments are provided:</p> <ul style="list-style-type: none"> <i>The number of fleet vehicles, shift workers, transient staff and flexible working hours vehicles (as per the headings in the submission), account for 70 vehicles not travelling to the site during peak times (assuming the applicant's figures are accepted). It is considered these factors are not typical of a standard office development, and may be accepted as justification for additional parking.</i> <i>The 'staff on leave' figure is not accepted as justification for additional parking – this is typical of any office development.</i> <i>The subject site is not within the CBD, and the application of CBD parking standards without adjustment is questionable. Given Perth's bus and train networks are predominantly radial, it could be argued the CBD is better serviced than the Leederville site. Most commuters to the CBD are able to travel from their homes without a transfer or mode split being required (that is, a single bus or train commute), whereas many commuters to Leederville would be required to travel into the city and then transfer (to a bus or train) back out to Leederville. For some commuters this may be impractical. It is considered this may justify adjustment of the CBD policy figures, allowing for some additional parking provision.</i> 	

Condition 12.13.1 – Car Parking	
Original condition	Proposed condition
<ul style="list-style-type: none"> <i>The additional parking represents an increase of approximately 4.3% on the approved parking. This increase is considered to be relatively small, and it is noted it is equivalent to the additional parking (and therefore traffic) that could be anticipated to be generated by a medium-sized multiple dwelling development (for example, approximately 40 dwellings). Given the intended infill development of Leederville, the additional 50 bays proposed would not significantly add to the traffic generation in the area.</i> <p>The Department of Transport has agreed to the proposed additional 50 bays, “<i>subject to a management plan being developed to ensure that the 50 additional bays are not utilised during peak periods. This should be added as a condition of the development and administered by the City of Vincent</i>”.</p> <p>In light of the above, the applicant’s request for an additional 50 car parking bays, to a total of 1,193 bays, is supported. Noting the DoT’s request for a condition requiring a management plan, and noting that the applicant’s justification is based principally on the assertion that the bays will not add to peak traffic volumes, it is considered appropriate to impose condition/s limiting the accessibility of the ‘non-peak’ bays during peak periods. The definition of ‘peak’ periods is linked to the Leederville Town Centre clearway periods in order to provide flexibility, such that the availability of the non-peak bays may be varied in the event that peak traffic conditions in the locality change.</p>	

Condition 12.13.2 – Further Traffic Assessment	
Original condition	Proposed condition
<i>The Water Corporation shall undertake a further traffic assessment to the satisfaction of MRWA to identify any potential road improvements that can be attributed to their development and to fund these as part of the proposed development application;</i>	Condition deleted.
Comment	
<p>Through the course of SAT mediation, the applicant (and the applicant’s nominated traffic Engineer) liaised with Main Roads Western Australia (MRWA) and the City’s Technical Services Officers to agree a scope of works for the further transport assessment required by Condition 12.13.2, and undertook the assessment in accordance with the agreed scope (the Traffic Assessment is tabled).</p> <p>The Transport Assessment makes the following recommendations, with regard to upgrades to the transport network infrastructure in the surrounding area:</p> <ul style="list-style-type: none"> <i>It is recommended to modify Newcastle Street between Loftus Street and Frame Court to provide a parking embayment, a cycle lane and a single traffic lane in each direction, as shown in Figure 1.</i> <i>It is then recommended to transition to a boulevard treatment west of Frame Court, as proposed by City of Vincent, with a 1.8 metre flush median and a 4.0 metre traffic lane in each direction, but with no cycle lanes, as also indicated in Figure 1.</i> <i>It is important to note that the kerbside eastbound parking lane east of Frame Court may need to become a PM peak hour Clearway in the long term, in order to accommodate increased queuing from the Loftus Street traffic signals as discussed above in Section 2.6.</i> <i>It is recommended to upgrade Leederville Parade west of Loftus Street in 2 stages, as shown in Figure 2, with Water Corporation fully funding the proposed pedestrian and cycle upgrades indicated as Stage 1 works, leaving City of Vincent and/or Main Roads WA to seek funding for the traffic lane upgrades indicated as Stage 2.</i> <i>In Stage 1, it is recommended to widen Leederville Parade on the south side in the vicinity of Frame Court, in order to accommodate a median refuge island just east of Frame Court, as shown in Figure 2.</i> 	

- *It is also recommended to install a westbound cycle lane along the southern side of Leederville Parade between Loftus Street and Frame Court. However, for eastbound cyclists, it is recommended to upgrade the existing path along the northern side of Leederville Parade to dual use path standard, as also indicated in Figure 2, in order to avoid costly road widening along the northern side that would be required to install an on-road cycle lane.*
- *In Stage 2, it is recommended to remove part of the existing median island at the Loftus Street intersection, in order to extend the 2 right turn lanes all the way back to the new median island at Frame Court, as indicated in the lower half of Figure 2.*

The transport report, and specifically the report's recommendations, has been accepted by MRWA and the City's Technical Services. The recommended works have been incorporated into Condition 11 (as recommended to be modified). Condition 12.13.2 is therefore redundant, and may be deleted.

Footnote 2 – Leederville Masterplan Area Traffic Assessment

Original footnote	Proposed footnote
<p><i>The City undertakes a commitment to progress a Transport Assessment for the Leederville Masterplan Area, including the Water Corporation site, to address transport and parking issues in the broader context, as requested by DoT and MRWA. The Water Corporation shall fully fund the requested Transport Assessment;</i></p>	<p>Footnotes cannot impose additional obligations on an applicant, beyond conditions of planning approval or other statutory obligations.</p>

Comment

Previous decisions of SAT have confirmed that:

Such advice notes, although commonly appended to subdivision and development approvals in this State, have no statutory status under the [Planning and Development] Act or any other legislation. A decision to give such "advice" is not a "reviewable decision" for the purposes of the Tribunal Act. Moreover, any function or discretion which the respondent had to give "advice" was arguably not "exercisable by [it] in making the reviewable decision" and is, therefore, not available to the Tribunal under s 29(1) of the Tribunal Act. In consequence, the Tribunal does not have power, in its determination of review proceedings concerning a subdivision or development application, to review, endorse or give "advice".

Moreover, even if the Tribunal had power to give or endorse "advice", it would be inappropriate to do so, for each of the following reasons. First, if an "advice note" sets out requirements which are material to a subdivision or development, the requirement should be contained in a condition of approval, which is enforceable as such ...

In light of the above, Footnote 2 cannot properly seek to impose any further obligations on the applicant (that is, funding of the Leederville Masterplan Transport Assessment). Further, the SAT is not able to impose or modify a 'Footnote', under the provisions of the SAT Act.

Accordingly, the Minute of Consent Orders contained as Attachment 002 do not propose to modify Footnote 2. As such, whilst Footnote 2 remains on the original notice of approval, it is considered the obligations Footnote 2 seeks to impose on the applicant are unenforceable.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	Consultation was undertaken for the original application determined by Council on 11 October 2011. No further public advertising was required as part of the SAT Review.		
Comments received:	Refer Council reports dated 13 September and 11 October 2011 for submissions and responses.		

Design Advisory Committee

Referred to Design Advisory Committee: Not applicable

Summary of Design Advisory Committee Comments:

Not applicable

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated policies;
- State Administrative Tribunal Act 2004; and
- Planning and Development Act 2005.

RISK MANAGEMENT IMPLICATIONS:

Should the matter not be resolved through mediation and the issuing of Consent Orders, the applicant may opt to undertake further mediation with the City, or proceed to a final hearing before the SAT.

As the matter is not being referred to the Council under s31 of the *State Administrative Tribunal Act*, but is proposed to be resolved by way of a SAT Order issued with the consent of the parties, should the Council resolve to not endorse the draft Minute of Consent Orders, or to make modifications unacceptable to the applicant, the original decision of the Council will remain the decision the subject of the application for review, should the applicant be aggrieved by the decision and opt to continue with the State Administrative Tribunal review.

As the proposed amended conditions are agreed between the parties on a 'without prejudice' basis, until such time as the Consent Orders are endorsed by SAT, should the Council resolve to modify any of the proposed conditions in a manner unacceptable to the applicant, it remains open to the applicant to contest any or all of the original conditions in a Final Hearing.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"1.1 Improve and maintain the natural and built environment and infrastructure.

1.1.2 Enhance and maintain the character and heritage of the City."

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"1.1.3 Take action to reduce the City's environmental impacts and provide leadership on environmental matters

1.1.5 Take action to improve transport and parking in the City and mitigate the effects of traffic."

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The proposed design is required to be certified by the Green Building Council of Australia, to a minimum standard of 4-star (residential) and 5-star (office). The 'as built' development is required to be independently assessed as meeting or exceeding the 4- and 5-star design criteria.	

SOCIAL	
Issue	Comment
The proposal is for a high density mixed use development. This will increase housing diversity and provide housing for smaller households within the City which are anticipated to grow and become a significant proportion of households.	

ECONOMIC	
Issue	Comment
The construction of the development and operation of the commercial tenancies will provide significant employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

❖ Information Confidential

COMMENTS & CONCLUSION:

❖ Information Confidential

PROCEDURAL MOTION

At 8.28pm **Moved Cr Topelberg Seconded Cr Buckels**

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Carey and Cr Harley on approved leave of absence.)
(Cr McGrath was out of the Chamber and did not vote.)

Cr McGrath returned to the chamber at 8.28pm and the Presiding Member Mayor Hon. Alannah MacTiernan informed him that the item had been approved 6-0.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.28pm with the following persons present:

- | | |
|---|-----------------------------|
| Mayor Hon. Alannah MacTiernan | Presiding Member |
| Cr Warren McGrath (<i>Deputy Mayor</i>) | South Ward |
| Cr Matt Buckels | North Ward |
| Cr Dudley Maier | North Ward |
| Cr John Pintabona | South Ward |
| Cr Joshua Topelberg | South Ward |
| Cr Julia Wilcox | North Ward |
| John Giorgi, JP | Chief Executive Officer |
| Rob Boardman | Director Community Services |
| Carlie Eldridge | Director Planning Services |
| Rick Lotznicker | Director Technical Services |
| Mike Rootsey | Director Corporate Services |

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 July 2012.

Signed:Presiding Member
Acting Mayor Cr Warren McGrath

Dated this day of 2012